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Agencies in this issue—

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Agricultural Stabilization and Conservation Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Farm Credit Administration
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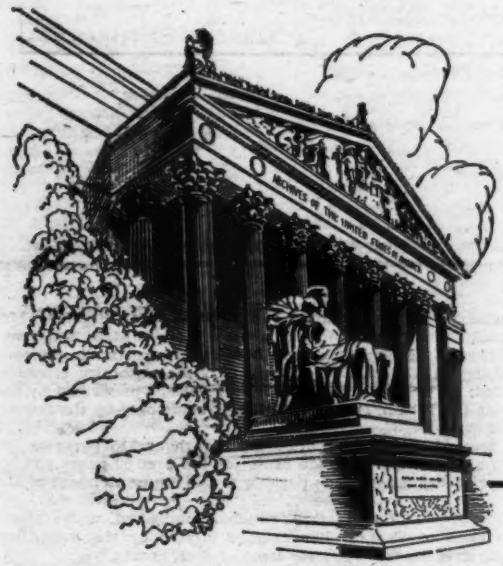

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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Correction

In F.R. Doc. 67-14794, appearing at page 20627 of the issue for Thursday, December 21, 1967, in the amendatory language for § 213.3305(a), following the reference to "(23)" the reference should read "(24)" instead of "(14)".

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Moisture Content of Milled Rice

On October 20, 1967, a document containing a revision of the U.S. Standards for Milled Rice (7 CFR 68.301 et seq.) was published in the FEDERAL REGISTER (32 F.R. 14637). The revision was promulgated to become effective January 1, 1968, pursuant to the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

Sections 68.328, 68.329, 68.330, and 68.331 of the revised standards provide that milled rice which contains more than 14 percent of moisture shall be graded U.S. Sample Grade. Under the present standards, milled rice which contains more than 15 percent of moisture is graded U.S. Sample Grade.

Prior to the publication of the revision of the rice standards there was published a notice of proposed rule making (32 F.R. 8004) regarding the proposed revisions. The proposed reduction of the moisture content in the numerical grades of milled rice from the present 15 percent to 14 percent received a substantial amount of adverse comment. The opposition claimed that it would not be practical to make such a change since the removal of the hull in the milling process would raise the moisture level of the milled rice by about 1 percent. The available scientific data indicates that a 15 percent moisture limit in the milled rice standards is too high to assure safe transit of export shipments during the hot months of the year.

Data obtained on the moisture content of rice inspected during fiscal year 1967 showed that less than 2 percent of the milled rice had a moisture content in excess of 14 percent. In view of this and the theoretical safe moisture limit for milled rice storage and transport, it was deemed desirable to set the limit for moisture in the numerical grades of milled rice at 14 percent. However, the rice trade in California objected because almost 9 percent of the milled rice inspected in that State had a moisture content in excess of 14 percent.

The trade has commented that since the effective date for the revised standards occurs after the 1967 crop of rough rice has already been harvested, it will be impractical to require a limit of 14 percent moisture for this crop of milled rice. They also claim that they have received no complaints on spoilage of rice due to high moisture. Opinion was also expressed that the present limit of 15 percent moisture has been satisfactory and to lower the limit would cause a hardship on the trade.

The USDA therefore decided to review and study for at least 1 year the moisture levels at which milled rice is traded, the maximum moisture level for safe storage, and the relationship between the moisture content of rice before and after milling.

Accordingly, under the authority cited above, in §§ 68.328, 68.329, 68.330, and 68.331 of the revised milled rice standards with respect to U.S. Sample Grade, the phrase "14 percent of moisture" is deleted and the phrase "15 percent of moisture" is substituted therefor.

At a future date the Department will propose public rule making concerning this matter if the above-mentioned studies indicate that a further change is warranted. This amendment merely reinstates the present requirement that milled rice containing more than 15 percent moisture shall be graded Sample grade, and the amendment must be made effective promptly in order to accomplish its purpose. It does not appear that public rule making procedures on this amendment would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public rule making procedures with respect to the amendment are unnecessary and impracticable, and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

This amendment shall become effective on January 1, 1968.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended, 7 U.S.C. 1622, 1624; 29 F.R. 16210, as amended; 32 F.R. 11741)

Done at Washington, D.C., this 22d day of December 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-15048; Filed, Dec. 27, 1967; 8:49 a.m.]

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

[Amdt. 1]

PART 250—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

Obligations of Distributing Agencies

The regulations for the operation of the Commodity Distribution Program (31 F.R. 14297) are hereby amended as follows: Section 250.6(e)(1)(i) is revised to read as follows:

§ 250.6 Obligations of distributing agencies.

* * * * * * *

(e) * * *

(1) * * *

(i) *Public assistance households.* Those households in which (*a*) all members are receiving benefits under the federally-aided public assistance programs for the needy authorized in the Social Security Act or under State or local welfare programs; or (*b*) those households in which some of the members receive such benefits, but all members thereof are included in the determination to grant such benefits; or (*c*) those households in which all members are recipients of assistance from grants under a Work Experience and Training Program (Title V, Economic Opportunity Act of 1964).

This amendment shall be effective upon publication in the FEDERAL REGISTER.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

DECEMBER 22, 1967.

[F.R. Doc. 67-15049; Filed, Dec. 27, 1967; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 19]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purposes of this amendment are (1) to establish the closing dates for filing applications for transfers of allotment by sale, lease and owner and for export market acreage; (2) to clarify the 100-acre limitation on sale and lease transfers; (3) to clarify the conditions applicable to owner transfers; (4) to limit transfers where small farm eligibility would be created and (5) to extend the prohibition on transfers of new farm allotments.

Since such applications are now being acted upon by the county committees and since farmers need to know these closing dates, it is essential that these amendments become effective as soon as possible. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

The regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) are amended as follows:

1. Section 722.436 is amended by adding the following language at the end of paragraph (a) (2) and by adding a new subparagraph (3) to paragraph (b) to read as follows:

§ 722.436 Applications for transfer.

(a) *Persons eligible to file applications for transfers.* * * *

(2) *By owner.* * * * The county committee shall approve a transfer under this subparagraph requested on a nonpermanent basis to a farm controlled but not owned by the applicant only if such applicant will be the operator of the farm to which transfer is to be made for each of the years for which the transfer is requested. Such requirement shall apply to transfers approved for 1966 and 1967 only with respect to such years remaining in the term of years previously approved beginning with 1968. However, if the county committee determines that the applicant is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include, but are not limited to, death, illness, incompetency, or bankruptcy of such person.

(b) *When applications to be filed.* * * *

(3) *For transfers effective beginning in 1968.* Applications shall be filed for transfers to take effect in 1968 during the period June 1, 1967, through January 2, 1968.

2. Section 722.437 is amended by adding a new subparagraph (3) at the end of paragraph (b), by adding language at the end of paragraph (d), and by amending paragraph (f) and paragraph (g), to read as follows:

§ 722.437 Amount of allotment transferable.

* * * * * *

(b) *No transfer of acreage from national acreage reserve.* * * *

(3) *For 1968.* The provisions of subparagraph (2) of this paragraph shall be applicable for 1968.

* * * * * *

(d) *Sale and lease transfers—limit on amount of acreage transferred.* * * * In determining the allotment which may be transferred by sale or lease, any increases or decreases of allotment on the farm to which transfer by sale or lease will be made resulting from exchanges of cotton and rice allotments and from owner transfers shall be disregarded. In the case of farms consisting of separately owned tracts, such tracts shall not be considered a farm for purposes of computing the 100-acre limitation in any case where the county committee, with the approval of a representative of the State committee, determines that an owner of a tract has an ownership interest in one or more of the other tracts by reason of ownership of stock in a corporate owner of such other tract, or by reason of membership as a partner in a partnership owner of such other tract, or the owner of a tract is a member of the same family living in the same household and the other tract is owned by another member of such family.

* * * * * *

(f) *No transfer of new farm allotment.* No transfer of allotment under section 344a of the act shall be made from a farm which received a new farm allotment in the current year or within the three immediately preceding crop years.

(g) *No permanent transfers by sale or by owner from farms to which transfer by sale or by owner within 3 years.* No permanent transfer by sale or by owner shall be made from any farm to which allotment was permanently transferred by sale or by owner within the three immediately preceding crop years.

3. Section 722.438 is amended by adding a new paragraph at the end thereof as follows:

§ 722.438 Additional conditions and limitations.

* * * * * *

(m) *Small farm eligibility.* No transfer under section 344a of the act shall be approved in any case where the county committee determines that a person having an interest as owner or operator in two or more farms requests transfer between such farms for the primary purpose of creating small farm eligibility under the price support program under § 722.802.

4. A new section is added after § 722.451 to read as follows:

§ 722.452 Export market acreage for 1968.

The national export market acreage reserve for the 1968 crop of cotton in the amount of 250,000 acres was established in § 722.481 (32 F.R. 14268). Applications for export market acreage shall be filed with the county committee of the county in which the farm is located on or before January 2, 1968. Procedures applicable to the 1968 program will be similar to those for the 1967 program covered by § 722.451 and such procedures will be published in the near future.

(Secs. 344a, 346(e), 375, 79 Stat. 1197, 1192, 52 Stat. 66, as amended; 7 U.S.C. 1344b, 1346(e), 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 21, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-14970; Filed, Dec. 21, 1967; 1:31 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 141]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.441 Navel Orange Regulation 141.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must

become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 26, 1967.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 29, 1967, through January 4, 1968, are hereby fixed as follows:

(i) District 1: 300,000 cartons;
(ii) District 2: 90,552 cartons;
(iii) District 3: 30,000 cartons;
(iv) District 4: 30,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 27, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-15133; Filed, Dec. 27, 1967; 11:22 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Farm Storage and Drying Equipment Loan Program Regs., Amdt. 1]

PART 1474—FARM STORAGE FACILITIES

Subpart—Farm Storage and Drying Equipment Loan Program Regulations

ADMINISTRATION

Correction

In F.R. Doc. 67-14525 appearing at page 17888 in the issue of Thursday, December 14, 1967, the 10th line of § 1474.2 (e) should read as follows: "member of the county committee, or, ex-".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER I—ACCREDITATION OF VETERINARIANS AND REVOCATION OF SUCH ACCREDITATION

STANDARDS FOR ACCREDITED VETERINARIANS AND RULES OF PRACTICE

On October 13, 1967, there was published in the FEDERAL REGISTER (32 F.R. 14225) a Notice of Proposed Standards for Accredited Veterinarians and Rules of Practice to be added as a new Subchapter I to Chapter I of Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted with respect to such proposal, and pursuant to the provisions of sections 3, 4, 5, 6, 11, and 13 of the Act of May 29, 1884, as amended, section 10 of the Act of August 30, 1890, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, the Act of March 4, 1907, the Act of July 24, 1919, the Act of May 31, 1920, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 80–86, 89, 96, 105, 111–113, 114, 114a, 114a–1, 115, 116, 120, 121, 125, 134b, and 134f), said Standards and Rules of Practice are hereby issued. Subchapter I is hereby added to Chapter I, Title 9, Code of Federal Regulations to read as follows:

SUBCHAPTER I—ACCREDITATION OF VETERINARIANS AND REVOCATION OF SUCH ACCREDITATION

PART 160—DEFINITION OF TERMS

Sec.
160.1 Definitions.

PART 161—REQUIREMENTS AND STANDARDS FOR ACCREDITED VETERINARIANS AND REVOCATION OF SUCH ACCREDITATION

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161.1 Requirements for accreditation.
161.2 Standards for accredited veterinarians.
161.3 Revocation of veterinary accreditation.

PART 162—RULES OF PRACTICE

Sec.
162.1 Institution of proceedings.
162.2 Hearing; request for formal hearing; hearing procedure; procedure upon admission of facts and waiver of hearing; hearing officer's report; exceptions to hearing officer's report; preparation and issuance of final order.
162.3 Service and proof of service.

AUTHORITY: The provisions of this Subchapter I issued under 23 Stat. 32, as amended; 58 Stat. 734, as amended; 65 Stat. 693; 26 Stat. 417; 32 Stat. 791, 792, as amended; 33 Stat. 1265, as amended; 34 Stat. 1263, 1264; 41 Stat. 241; 41 Stat. 699; 76 Stat. 130, 132; 21 U.S.C. 80–86, 89, 96, 105, 111–113, 114, 114a, 114a–1, 115, 116, 120, 121, 125, 134b, 134f.

SUBCHAPTER I—ACCREDITATION OF VETERINARIANS AND REVOCATION OF SUCH ACCREDITATION

PART 160—DEFINITION OF TERMS

§ 160.1 Definitions.

For the purposes of this subchapter the following words, phrases, names, and terms shall be construed, respectively, to mean:

(a) *Division.* The Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture.

(b) *Director.* The Director of the Division, or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *State.* Any State, Territory, the District of Columbia or the Commonwealth of Puerto Rico.

(d) *Accredited Veterinarian.*[1] A veterinarian approved by the Director in accordance with the provisions of Part 161 of this subchapter to perform functions specified in Subchapters B, C, and D of this chapter.

(e) *Veterinarian-in-Charge.* The veterinary official of the Division who is assigned by the Director to supervise and perform the official work of the Division in the State where the veterinarian concerned is accredited or wishes to be accredited.

(f) *State Animal Health Official.* The animal health official responsible for the livestock and poultry disease control and eradication programs of the State in which the veterinarian is accredited or wishes to be accredited.

PART 161—REQUIREMENTS AND STANDARDS FOR ACCREDITED VETERINARIANS AND REVOCATION OF SUCH ACCREDITATION

§ 161.1 Requirements for accreditation.

(a) The Director is hereby authorized to accredit a veterinarian when he determines that such veterinarian (1) is a graduate of a college of veterinary medicine; (2) is licensed to practice veterinary medicine in the State in which he wishes to be accredited; (3) has made formal application for accreditation on Form 1–36A, "Application for Veterinary Accreditation"; (4) has passed an examination administered by the Division; and (5) has been jointly recommended by the State Animal Health Official and the Veterinarian-in-Charge in the State in which the veterinarian wishes to be accredited.

(b) The Director is hereby authorized to accredit a veterinarian whose accreditation has been revoked when he determines that such veterinarian (1) is li-

[1] The provisions of Subchapters B, C, and D of this chapter authorize Federal and state veterinarians and accredited veterinarians to perform specified functions. Full time Federal (including military) and state veterinary employees are authorized to perform such functions without specific accreditation under the provisions of this subchapter.

censed to practice veterinary medicine in the State in which he wishes to be accredited; (2) has made formal application for accreditation on Form 1-36A, "Application for Veterinary Accreditation"; and (3) has been jointly recommended by the State Animal Health Official and the Veterinarian-in-Charge in the State in which the veterinarian wishes to be accredited.

§ 161.2 Standards for accredited veterinarians.

An accredited veterinarian shall perform official duties in accordance with the following standards:

(a) Prior to completing and signing a certificate with respect to animals or poultry, the accredited veterinarian shall individually inspect such animals or poultry in accordance with professionally accepted procedures.

(b) Certificates, forms, and reports shall be accurately and fully completed, including identification of animals, and shall be distributed according to instructions issued to him by the State Animal Health Official or the Veterinarian-in-Charge, or both.

(c) Official tests and vaccinations shall be applied according to procedures and standard techniques prescribed by the State Animal Health Official or the Veterinarian-in-Charge, or both.

(d) Certificates issued by an accredited veterinarian that reflect results of tests performed by another accredited veterinarian shall clearly indicate the name of the veterinarian conducting the tests, the place where the tests were conducted, and the date and results of the tests.

(e) Reactor animals disclosed by tests shall be identified within prescribed time limitations and according to State-Federal instructions issued to him by the State Animal Health Official or the Veterinarian-in-Charge, or both.

(f) All diagnosed or suspected cases of diseases of livestock or poultry named in § 71.3 (a) and (b) of Part 71, Subchapter C, of this chapter, including any vesicular conditions, shall be reported immediately to the appropriate State Animal Health Official or the Veterinarian-in-Charge.

(g) Professionally accepted sanitary procedures shall be followed to minimize the danger of spread of disease between animals and between premises.

(h) The accredited veterinarian shall keep himself currently informed on State and Federal policies, regulations, and procedures concerning livestock disease control and eradication and shall advise livestock owners, shippers, and other interested parties accordingly.

(i) Official duties and activities of an accredited veterinarian in a State shall be performed subject to supervision and direction of the appropriate State Animal Health Official and the Veterinarian-in-Charge.

§ 161.3 Revocation of veterinary accreditation.

The Director is authorized to revoke the accreditation of a veterinarian when he determines that the accredited veterinarian has not complied with the "Standards for Accredited Veterinarians" as set forth in § 161.2. Any such revocation of accreditation shall be applicable in all States in which the veterinarian is accredited.

PART 162—RULES OF PRACTICE

§ 162.1 Institution of proceedings.

(a) *Complaint.* A complaint in writing shall be issued by the Veterinarian-in-Charge and served on the accredited veterinarian, whenever there is reason to believe that he has not complied with the "Standards for Accredited Veterinarians" as contained in § 161.2 of this subchapter. The complaint shall state briefly and clearly the allegations of fact which constitute the basis for the proceeding and shall specify the "Standards" alleged to have been violated. At any time prior to the close of the hearing the complaint may be amended; but, at the request of the accredited veterinarian, the hearing shall be adjourned for a period not exceeding 15 days.

(b) *Answer.* The accredited veterinarian shall file with the Veterinarian-in-Charge an answer to the complaint within 20 days after service of the complaint. Such answer shall be signed by the accredited veterinarian or his attorney. Upon request by the accredited veterinarian and where the circumstances warrant, the Director may extend the period of time for filing of the answer. The answer shall contain a statement of the facts which constitute the grounds of defense and shall specifically admit, deny, or explain each of the allegations of the complaint. The answer may be supported by such affidavits, depositions or other documents which the accredited veterinarian desires to submit. Failure to file an answer to or plead specifically to any allegation of fact in the complaint shall constitute an admission of such allegation.

(c) *Suspension of accreditation pending final determination.* When the Director deems such action necessary in order to adequately protect the public health, interest, or safety, he may suspend the accreditation of an accredited veterinarian pending final determination in the matter.

(d) *Informal conference and consent orders.* At the request of the accredited veterinarian, the Veterinarian-in-Charge, with the concurrence of the State Animal Health Official, will arrange an informal conference to discuss the matter, at the time and place designated by the Veterinarian-in-Charge. The accredited veterinarian may bring with him to the conference any representative or other person whom he desires. If the accredited veterinarian, in writing, admits the facts alleged in the complaint, or states that he neither admits nor denies the facts alleged in the complaint, and consents to the issuance of an order revoking his accreditation, such an order will be issued without further procedure.

§ 162.2 Hearing; request for formal hearing; hearing procedure; procedure upon admission of facts and waiver of hearing; hearing officer's report; exceptions to hearing officer's report; preparation and issuance of final order.

(a) *Request for formal hearing.* An accredited veterinarian may request a formal hearing on the allegations set forth in the complaint by including such request in the answer or by a separate request in writing filed with the Director. Failure to request a formal hearing at the conclusion of an informal appearance referred to in § 162.1(d) or within the time allowed for the filing of the answer, shall constitute a waiver of such hearing. If the accredited veterinarian does not request a formal hearing, the Director may order that such a hearing be held if he determines that a hearing is necessary to fully develope the facts.

(b) *Hearing Procedure.* Upon request by the accredited veterinarian for a formal hearing or upon the order of the Director, a hearing within 30 days shall be arranged. The following shall apply to such hearing:

(1) Notice of the time and place of such hearing shall be given to the accredited veterinarian in writing at least 10 days prior to the hearing.

(2) Such hearing shall be held before a hearing officer appointed by the Director.

(3) The parties may appear in person or by counsel or other representative.

(4) A representative of the Division shall proceed first at the hearing to present the facts upon which the complaint was based.

(5) The hearing officer shall be authorized to administer oaths and affirmations, examine witnesses at such hearing, and rule upon motions and requests.

(6) All testimony of witnesses at the hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, in the discretion of the hearing officer, be examined separate and apart from all other witnesses except the interested parties.

(7) The hearing officer may exclude obviously immaterial or irrelevant evidence, but the party offering such evidence may state what he expects to prove thereby.

(8) The hearing officer may postpone or adjourn a hearing for good cause shown.

(9) Oral argument will be permitted before the hearing officer at the close of the hearing and any argument advanced will be embodied in the record.

(10) A transcript shall be made of the hearing to which the hearing officer shall attach his certificate stating that the transcript is a true transcript of the hearing, except in such particulars as he shall specify, and that the exhibits accompanying the transcript are all the exhibits introduced at the hearing, with such exceptions as he shall specify.

(11) Written briefs or arguments may be submitted and made a part of the

record if received by the hearing officer within 15 days after the close of the hearing. This period may be extended by the hearing officer for good cause shown.

(12) If the accredited veterinarian, after being duly notified, fails to appear at the hearing, he will have waived the right to a hearing.

(c) *Procedure upon admission of facts; waiver of hearing.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission of facts, unless the Director has ordered that a hearing be held, the hearing officer, without further procedure, shall prepare his report, in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint.

(d) *The hearing officer's report.* The hearing officer, within a reasonable time after the termination of the period allowed for the filing of written briefs or arguments following the hearing, shall prepare upon the basis of the record and submit to the Director his report together with the record of the proceeding. Such report shall include recommended findings of fact and conclusions. A copy of the report shall be served upon the parties.

(e) *Exceptions to the hearing officer's report.* Within 15 days after the receipt of the hearing officer's report, exceptions thereto, and written arguments or a brief in support of such exceptions, may be filed with the Director. The Director may extend such period for good cause shown.

(f) *Preparation and issuance of order.* As soon as practicable after the termination of the period allowed for the filing of exceptions to the hearing officer's report, the Director, upon the basis of and after due consideration of the record, shall prepare his decision and order in the proceeding. Such decision and order shall be issued and served upon the parties and shall be the final and conclusive order in the proceeding.

§ 162.3 Service and proof of service.

Copies of all documents served upon a veterinarian whose accreditation is the subject of the proceeding shall be served in person or by certified mail. Proof of service shall be made by the affidavit of the person who actually made the service: *Provided*, That if the service is made by certified mail, proof of service shall be made by the return post office receipt. Such proof of service shall be made a part of the record of the proceeding.

The Department of Agriculture accredits veterinarians to perform certain functions under the regulations of the Department relating to the cooperative control and eradication of livestock and poultry diseases, the interstate transportation of certain animals and poultry and the exportation and importation of certain animals and poultry and products (9 CFR Chapter I, Subchapters B, C, and D). Copies of the standards of conduct required of such veterinarians are furnished to each veterinarian upon his accreditation.

The standards of conduct and rules of practice contained herein embody slight changes from the proposals in the notice of rule making. These changes are made for the purpose of clarification and uniformity of interpretation. It does not appear that further notice and public procedure would make additional information available to the Department. These standards and rules of practice should be made effective as soon as possible.

Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further public rule making procedure with respect to the foregoing provisions is unnecessary, and good cause is found for making these Standards and Rules of Practice effective less than 30 days after publication in the FEDERAL REGISTER.

The reporting and recordkeeping requirements contained in the foregoing have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. The foregoing provisions shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of December 1967.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 67-15053; Filed, Dec. 27, 1967; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 21,219]

PART 531—STATEMENTS OF POLICY

Advances for Purchase of Loans and Participation Interests in Loans

DECEMBER 12, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of revising and codifying its statement of policy concerning Advances by the Federal Home Loan Banks to Permit Members to Purchase Loans and Participation Interests, adopted by the Board on October 13, 1965, and published in the FEDERAL REGISTER on October 21, 1965 (30 F.R. 13415), and for the purpose of making certain changes in the conditions on which a member institution may be granted advances to purchase participations or whole loans secured by real estate located outside its normal lending territory, hereby amends Part 531 of the regulations for the Federal Home Loan Bank System (12 CFR Part 531) by adding, immediately after § 531.1, a new section, § 531.2, to read as follows:

§ 531.2 Advances for purchase of loans and participation interests in loans.

Advances for the purchase of participations or whole loans secured by real estate located outside a member's normal lending territory are not to be made to members, except to the extent otherwise permitted by the Board. Such advances are not consistent with the purposes of permitting purchases of loans or participations and ordinarily conflict with the provisions in the Board's general policy statement contained in § 531.1 of this Part that advances shall not be made to permit members to obtain what is primarily a rate differential. A member may be granted advances to a limited extent to purchase participations or whole loans secured by real estate located outside its normal lending territory, provided each of the following conditions is met:

(a) Advances for the purchase of such participations or whole loans can be repaid entirely from the member's resources within 9 months;

(b) The volume of expansion advances to the member, including any advances for the purchase of such participations or whole loans, is not in excess of 5 percent of withdrawable accounts; and

(c) All expansion advances to the member are subject to repayment in 2 years or less.

Moreover, additional advances to the member for purposes other than withdrawals will not be made during the period such advances are outstanding.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.
Assistant Secretary.

[F.R. Doc. 67-15046; Filed, Dec. 27, 1967; 8:48 a.m.]

PART 531—STATEMENTS OF POLICY

Supplemental Statement of Policy on Advances

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 531.3 of the regulations for the Federal Home Loan Bank System (12 CFR 531.3) for the purpose of permitting a member to convert its outstanding withdrawal advances into expansion advances, insofar as it may be eligible, hereby amends § 531.3, aforesaid, by revising paragraph (a) of § 531.3 to read as follows:

§ 531.3 Supplemental statement of policy on advances.

(a) Withdrawal advances should ordinarily be liquidated in as brief a period as the member's flow of savings would reasonably permit. However, where a member's eligibility to obtain advances for relending purposes has been established, the member may elect to convert its withdrawal advances to advances for

relending within its established eligibility.

* * * * *

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 67–15047; Filed, Dec. 27, 1967; 8:48 a.m.]

Chapter VI—Farm Credit Administration

SUBCHAPTER F—BANKS FOR COOPERATIVES

PART 670—BANKS FOR COOPERATIVES GENERALLY

Miscellaneous Amendments

Part 670 of Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising §§ 670.22, 670.23, 670.25, 670.144, and 670.161 (31 F.R. 16257, 16259), to read as follows:

§ 670.22 Lending limits of district banks.

Except with the written approval of the Director of Cooperative Bank Servic, the lending limits of each district bank for cooperatives are hereby fixed so that loans to any one borrower outstanding at any time (exclusive of participations therein sold to others) may not exceed the following percentages of the net worth of the bank as of the close of the preceding fiscal year, or at an interim date if such net worth is changed materially (e.g., by reason of voluntary retirement of or investment in capital stock or other equities), as determined by the Director of Cooperative Bank Service:

(a) Term loans, 25 percent;

(b) Seasonal loans exclusive of loans secured by approved commodities, 25 percent;

(c) Seasonal loans secured by approved commodities (excluding loans secured by Commodity Credit Corporation documents), 45 percent;

(d) The sum of term and seasonal loans exclusive of seasonal loans secured by approved commodities, 25 percent;

(e) The sum of term, seasonal, and seasonal loans secured by approved commodities (excluding loans secured by Commodity Credit Corporation documents), 45 percent;

Provided, however, That a loan made within established limits, but which becomes excessive by virtue of a subsequent decrease in the net worth of the bank, may be retained and liquidated in an orderly manner.

§ 670.23 Lending limits of the Central Bank for Cooperatives.

The total loans from the Central Bank for Cooperatives to any one farmers' cooperative association, exclusive of seasonal loans secured by approved commodities, or of loans to finance commodities within the limits of Government price support programs, shall not at any time exceed 25 percent of the net worth of the bank.

§ 670.25 District banks—sale of participations; loans exceeding lending limits.

The district bank shall request the Central Bank for Cooperatives (or, when approved by the Director of Cooperative Bank Service, another district bank) to participate in the extension of credit for amounts which exceed the lending limits set forth in § 670.22, and, except when otherwise agreed, such participation shall take place in the following order: First, seasonal loans secured by approved commodities; second, other seasonal loans; and third, term loans.

§ 670.144 Definition of "borrower".

For purposes of the sentence in section 42(a)(3) of the Farm Credit Act of 1933, as amended (12 U.S.C. 1134d), which reads:

> In addition, each borrower as defined by the Farm Credit Administration for purposes of this sentence, shall be required to invest quarterly in class C stock an amount equal to not less than 10 nor more than 25 per centum, as prescribed by the board of directors of the bank with the approval of the Farm Credit Administration, of the amount of interest payable by it to the bank during the calendar quarter.

the word "borrower" is defined as any farmers' cooperative association which is primarily liable to a bank for cooperatives for the repayment of a loan made by the bank pursuant to sections 34 or 41 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1134j, 1134c). In cases where a district bank for cooperatives participates in such a loan made by another district bank for cooperatives, the latter bank shall be deemed a "borrower" from the former bank with reference to such participation, and the approved investment required in class C stock shall be at the same per centum of interest payable that is applicable to the farmers' cooperative association.

§ 670.161 Patronage refunds and allocated reserves.

For purposes of subsection (b) of section 36 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1134*l*), relating to patronage refunds, the word "borrowers" is defined as all farmers' cooperative associations which, during any part of the fiscal year for which patronage refunds are declared, were primarily liable for the repayment of loans made by a bank for cooperatives pursuant to sections 34 or 41 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1134j, 1134c): *Provided,* That, if the bylaws of a bank so provide, this definition shall not include any association which files with the bank, prior to the beginning of a fiscal year, a written refusal to accept patronage refunds for said year. In cases where a district bank for cooperatives participates in such a loan made by another district bank for cooperatives, the latter bank shall be deemed among the "borrowers" of the former bank as respects patronage refunds with reference to such participation.

(Sec. 6, 47 Stat. 14, as amended, secs. 34, 36, 41, 42, 48 Stat. 262, 263, 264, as amended; 12 U.S.C. 665, 1134j, 1134*l*, 1134c, 1134d, as amended)

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 67–15032; Filed, Dec. 27, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

SUBCHAPTER C—AIRCRAFT

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 67–SO–106, Amdt. 39–526]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA 32–300 Airplanes

Amendment 39–508, 32 F.R. 15523, AD 67–30–6 requires inspection of the flexible duct between the engine air box and the engine throttle body assembly and replacement if necessary on Piper PA 32–300 and PA 32S–300 series airplanes. After issuing Amendment 39–508, the Administrator approved a Piper design improvement for the inlet duct which when incorporated on the aircraft will eliminate the need for the repetitive inspections required by Amendment 39–508. Therefore, the AD is being amended to require replacement of the original duct with the improved duct.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–508, 32 F.R. 15523, AD 67–30–6 is amended by deleting the inspection requirements, revising the compliance times and substituting with the following requirement:

> Compliance required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.
>
> To prevent the possibility of restricting air flow through the engine air induction system, accomplish the following:
>
> (a) Replace the engine air inlet duct, Piper Part No. 457599 or 63633–50, with parts and per instructions contained in Piper Modification Kit 760159.
>
> (b) The compliance time may be adjusted up to a maximum of 10 hours to coincide with aircraft annual or 100-hour scheduled inspections.
>
> (c) Piper Service Bulletin No. 260 dated November 8, 1967, covers this same subject.
>
> Other means of compliance with the requirements of this directive may be utilized, if approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

This amendment becomes effective December 22, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on December 15, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-15015; Filed, Dec. 27, 1967; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-SO-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 1, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 15121), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Aiken, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, the geographic coordinate (lat. 33°39'10" N., long. 81°41'25" W.) for Aiken Municipal Airport was obtained from Coast and Geodetic Survey. Accordingly, action is taken herein to add the geographic coordinate for the airport in the description of the transition area.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 29, 1968, as hereinafter set forth.

In § 71.181 (32 F.R. 2148), the following transition area is added:

AIKEN, S.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Aiken Municipal Airport (lat. 33°-39'10" N., long. 81°41'25" W.); within 2 miles each side of the 048° bearing from the Aiken RBN (lat. 33°39'06" N., long. 81°40'38" W.), extending from the 8-mile radius area to 8 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on December 15, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-15016; Filed, Dec. 27, 1967; 8:46 a.m.]

SUBCHAPTER N—WAR RISK INSURANCE

[Docket No. 8605]

PART 198—WAR RISK INSURANCE

Part 1501 of Title 14 of the Code of Federal Regulations was published in the FEDERAL REGISTER on October 31, 1963 (28 F.R. 11618). Part 1501 implements Title XIII of the Federal Aviation Act of 1958 (49 U.S.C. 1531-1542) that authorizes the Secretary of Commerce to provide insurance against loss, damage, or legal liability arising out of war risks, under certain conditions. The Under Secretary of Commerce for Transportation issued Part 1501 under section 1307 of the Federal Aviation Act of 1958 (49 U.S.C. 1537), that authorizes the Secretary of Commerce to issue rules in administration of Title XIII, and a delegation of that authority from the Secretary of Commerce.

Section 6(a)(3)(C) of the Department of Transportation Act (49 U.S.C. 1655(a)(3)(C)) transfers to and vests in the Secretary of Transportation all functions, powers, and duties of the Secretary of Commerce under Title XIII of the Federal Aviation Act of 1958, as amended. The Secretary of Transportation has delegated his functions, powers, and duties relating to aircraft generally, under Title XIII of the Federal Aviation Act of 1958, to the Federal Aviation Administrator in 49 CFR 1.4(b)(1) (32 F.R. 5606).

The Federal Aviation Administrator is adopting new Part 198 that supersedes present Part 1501. Part 198 retains the substance of Part 1501, but several changes are made to reflect the existing situation vesting the War Risk Insurance function in the Department of Transportation: (1) References to the Under Secretary of Commerce for Transportation are changed to the Federal Aviation Administrator. (2) Section numbers are changed only to reflect the new part number. (3) Forms are removed from the body of the regulation and published in new Appendices A-E. (4) Forms are renumbered as "FAA Form 2000- (12-67)", and the obsolete UST Form numbers are shown as superseded. (5) The forms are changed only to reflect the transfer of the War Risk Insurance function to the Department, and the responsibility of the Federal Aviation Administrator.

This amendment relates to departmental management, procedures, and practices. Therefore, it is excepted from the notice, public procedure, and effective date requirements of section 553 of Title 5, United States Code, and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective December 28, 1967, Chapter I of Title 14 of the Code of Federal Regulations is amended by adding a new Subchapter N, as hereinafter set forth, that supersedes the Department of Commerce regulation Part 1501 of Title 14 of the Code of Federal Regulations, dated September 30, 1963.

(Sec. 1307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1537(a)); sec. 6(a)(3)(C), Department of Transportation Act (49 U.S.C. 1655(a)(3)(C))

Issued in Washington, D.C., on December 19, 1967.

WILLIAM F. MCKEE,
Administrator.

Subpart A—General

Sec.
198.1 Eligibility of aircraft for insurance.
198.2 Change in status of an aircraft after interim binders have been issued.
198.3 Applications for insurance and payment of binding fees.
198.4 Time of attachment of insurance.
198.5 Premiums and payment thereof.
198.6 War risk insurance underwriting agents.
198.7 Modifications.

Subpart B—War Risk Hull Insurance

198.100 Amounts of insurance for which application may be made.
198.101 Form of application.
198.102 Issuance of interim binder; its terms and conditions.
198.103 Sums which will be insured.
198.104 Calculation of premiums.
198.105 Additional war risk hull insurance.
198.106 Standard forms of war risk hull insurance interim binders.
198.107 Standard forms of war risk hull insurance policies.

Subpart C—War Risk Liability Insurance, Exclusive of Cargo Liability

198.200 Limits of liability insurance for which application may be made.
198.201 Form of application.
198.202 Issuance of interim binder; its terms and conditions.
198.203 Sums which will be insured.
198.204 Calculation of premiums.
198.205 Standard forms of war risk liability insurance, exclusive of cargo liability, interim binders.
198.206 Standard forms of war risk liability insurance, exclusive of cargo liability, policies.

Subpart D—War Risk Carriers Liability to Cargo Insurance

198.300 Limits of liability insurance for which application may be made.
198.301 Form of application.
198.302 Issuance of interim binder; its terms and conditions.
198.303 Sums which will be insured.
198.304 Calculation of premiums.
198.305 Standard forms of war risk carriers liability to cargo insurance interim binders.
198.306 Standard forms of war risk carriers liability to cargo insurance policies.
198.307 Effect on other General Orders—War Risk Insurance.
Appendix A—Forms of Application, named in § 198.101.
Appendix B—Standard Forms of War Risk Hull Insurance Interim Binders, named in § 198.106.
Appendix C—Standard Forms of War Risk Hull Insurance Policies, named in § 198.107.
Appendix D—Standard Forms of War Risk Liability Insurance, Exclusive of Cargo Liability, Policies, named in § 198.206.
Appendix E—Forms of Application, named in § 198.301.
Appendix F—Standard Forms of War Risk Carriers Liability to Cargo Insurance Interim Binders, named in § 198.305.

AUTHORITY: The provisions of this Part 198 issued under Sec. 1307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1537(a)); and sec. 6(a)(3)(C) of the Department of Transportation Act (49 U.S.C. 1655(a)(3)(C)).

Subpart A—General

§ 198.1 Eligibility of aircraft for insurance.

An aircraft is eligible for insurance if it is:

(a) An American aircraft as defined in section 1301(a), Title XIII of the Federal Aviation Act of 1958, as amended; or

(b) A foreign-flag aircraft engaged in aircraft operations deemed by the Federal Aviation Administrator to be in the

interest of the national defense or the national economy of the United States.

§ 198.2 Change in status of an aircraft after interim binders have been issued.

In the event that an aircraft shall cease to come within either § 198.1 (a) or (b) after any interim binders named in §§ 198.106, 198.205, and 198.305 have been issued, interim binders covering such an aircraft shall automatically terminate. In the event of sale, lease, confiscation, requisition, or total loss of an aircraft, or any other change in the status, which by the terms of the binder causes same to terminate, prompt notice shall be given in writing to the Federal Aviation Administrator.

§ 198.3 Applications for insurance and payment of binding fees.

Applications for war risk hull and war risk liability, exclusive of cargo, insurance, shall be filed on the same form, in duplicate, and applications for war risk carriers liability to cargo insurance shall be filed on a separate form, also in duplicate. Applications for insurance on those foreign-flag aircraft referred to in § 198.1 shall be accompanied by a signed statement in quadruplicate, setting forth the dates of the applications, the forms of insurance applied for, the identification number of the aircraft, its flag, the name of the owner or lessee, the operations in which the aircraft is engaged and the reason such operations should be considered to be in the interest of the national defense or national economy of the United States, which statement shall be deemed to be a part of each application for insurance filed with respect to such aircraft. Applications shall be made to the Federal Aviation Administrator, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590. A check payable to the Treasurer of the United States for the total amount of all binding fees payable by each applicant shall accompany the applications. Binding fees are not returnable unless applications are rejected.

§ 198.4 Time of attachment of insurance.

The war risk insurance to be provided under this part shall attach:

(a) In the case of premium insurance, not earlier than the date and hour commercial war risk insurance terminates by reason of the operation of the "24-hour automatic termination clause," whether or not the aircraft was covered by such commercial insurance; and

(b) In the case of nonpremium insurance, as specified in the binder or policy.

§ 198.5 Premiums and payment thereof.

The rates of premium for insurance shall be subject to review and revision by the Federal Aviation Administrator each calendar month, and the Federal Aviation Administrator may deem it appropriate to fix premium surcharges or rate loadings. Premiums shall accrue upon the fixing of the rates by the Federal Aviation Administrator, and shall be payable within 10 days after receipt of notice of the amounts thereof by the Insured. Premiums shall be paid to the Federal Aviation Administrator by check payable to the order of the Treasurer of the United States.

§ 198.6 War risk insurance underwriting agents.

Applications from companies or groups of companies authorized to do an aviation insurance business in any State of the United States for appointment as underwriting agents will not be received until the Federal Aviation Administrator finds that it is practical to employ such companies as underwriting agents. The Federal Aviation Administrator will promulgate, and publish in the FEDERAL REGISTER, the forms and agreements required for the appointment of underwriting agents.

§ 198.7 Modifications.

The provisions of this part may be amended or modified at any time by the Federal Aviation Administrator.

Subpart B—War Risk Hull Insurance

§ 198.100 Amounts of insurance for which application may be made.

An applicant for war risk hull insurance shall state the amount of insurance desired, but any payment for damage to or total loss of the aircraft will be made as provided in § 198.103.

§ 198.101 Form of application.

Applications submitted shall be in strict accordance with one of the forms set forth in Appendix A of this part, as follows:

(a) Application for Premium War Risk Hull and Liability, Exclusive of Cargo, Insurance, FAA Form 2000–2 (12–67) (supersedes UST Form No. WRI–1 (9–63)).

(b) Application for Nonpremium War Risk Hull and Liability, Exclusive of Cargo, Insurance, FAA Form 2000–2.1 (12–67) (supersedes UST Form No. WRI–1B (9–63)).

(c) Application for Nonpremium War Risk Hull and Liability, Exclusive of Cargo, Insurance, FAA Form 2000–2.2 (12–67) (supersedes UST Form No. WRI–1C (9–63)).

§ 198.102 Issuance of interim binder; its terms and conditions.

Upon acceptance of an application, an interim binder in the form of one of those named in § 198.106 will be issued and there shall be deemed to be incorporated therein by reference, all of the terms, conditions and warranties contained in the standard war risk hull insurance policy to be prescribed by the Federal Aviation Administrator pursuant to the provisions of § 198.107, to the same extent as if such policy were made a part of the binder. The binding fee shall be $100 per aircraft.

§ 198.103 Sums which will be insured.

The sum insured, in each instance, may not exceed the amount in effect on the date of application by which the air carrier has insured, or self-insured, the aircraft against risks other than war risks: *Provided*, That such amount is not in excess of the "fair and reasonable value of the aircraft" within the meaning of section 1307(a) of the Federal Aviation Act of 1958, as amended.

§ 198.104 Calculation of premiums.

Premiums will be calculated on the basis of the applicable premium rate multiplied by the dollar amount of insurance in force during the period under consideration.

§ 198.105 Additional war risk hull insurance.

Persons having insurable interests in aircraft may obtain, on an excess basis, additional war risk hull insurance in such amounts as desired, and such insurance shall not inure to the benefit of the Federal Aviation Administrator as underwriter.

§ 198.106 Standard forms of war risk hull insurance interim binders.

The standard forms of war risk hull insurance interim binders for premium and nonpremium war risk hull insurance are set forth in Appendix B of this part, as follows:

(a) Interim Binder No. PR–H&LWR, FAA Form 2000–3 (12–67) (supersedes UST Form No. WRI–2 (9–63)).

(b) Interim Binder No. NON–PR–H&LWR, FAA Form 2000–3.1 (12–67) (supersedes UST Form No. WRI–2C (9–63)).

§ 198.107 Standard forms of war risk hull insurance policies.

The standard form of war risk hull insurance policy, FAA Form 2000–4 (12–67) (supersedes UST Form No. WRI–3B (9–63)), is set forth in Appendix C of this part.

Subpart C—War Risk Liability Insurance, Exclusive of Cargo Liability

§ 198.200 Limits of liability insurance for which application may be made.

Applicants for war risk liability insurance, exclusive of cargo liability, shall state the limits of liability desired, but such limits shall not exceed the corresponding amounts in effect on the date of application by which the Insured has insured, or self-insured, itself against liability arising from risks other than war risks involving the following coverages:

(a) Bodily Injury or Death (Excluding Passengers).

(b) Property Damage.

(c) Bodily Injury or Death (Passengers).

(d) Baggage and Personal Effects.

§ 198.201 Form of application.

Applications submitted shall be in strict accordance with the forms named in § 198.101.

§ 198.202 Issuance of interim binder; its terms and conditions.

Upon acceptance of an application, there will be issued either an interim binder or a policy in the form of one of those named in § 198.106, § 198.107, or § 198.206, and there shall be deemed to be incorporated in the interim binder by

reference all of the terms, conditions and warranties contained in the standard war risk liability insurance, exclusive of cargo liability, policy prescribed or to be prescribed by the Federal Aviation Administrator, pursuant to the provisions of § 198.206, to the same extent as if such policy were made a part of the binder. The binding fee of $100 per aircraft set forth in § 198.102 for war risk hull insurance shall also cover the cost of binding war risk liability insurance, exclusive of cargo liability.

§ 198.203 Sums which will be insured.

The sums insured shall not exceed the limits prescribed in § 198.200.

§ 198.204 Calculation of premiums.

Premiums for Bodily Injury or Death (Excluding Passengers) and Property Damage liability will be calculated by multiplying the applicable premium rate by airplane miles. Premiums for Bodily Injury or Death, Baggage and Personal Effects liability will be calculated by multiplying the applicable premium rate by passenger miles.

§ 198.205 Standard forms of war risk liability insurance, exclusive of cargo liability, interim binders.

The standard forms of war risk liability insurance, exclusive of cargo liability, interim binders for premium and nonpremium insurance shall be those named in § 198.106.

§ 198.206 Standard forms of war risk liability insurance, exclusive of cargo liability, policies.

The standard form of war risk liability insurance, exclusive of cargo liability, policy, FAA Form 2000–5 (12–67) (supersedes UST Form No. WRI–4B (9–63)), is set forth in Appendix D of this part.

Subpart D—War Risk Carriers Liability to Cargo Insurance

§ 198.300 Limits of liability insurance for which application may be made.

Applicants for war risk carriers liability to cargo insurance shall state the limits of liability desired, but the limit for any one accident shall not exceed $1 million.

§ 198.301 Form of application.

Applications submitted shall be in strict accordance with one of the forms set forth in Appendix E of this part, as follows:

(a) Application for Premium War Risk Carriers Liability to Cargo Insurance, FAA Form 2000–6 (12–67) (supersedes UST Form No. WRI–6 (9–63)).

(b) Application for Nonpremium War Risk Carriers Liability to Cargo Insurance, FAA Form 2000–6.1 (12–67) (supersedes UST Form No. WRI–6A (9–63)).

§ 198.302 Issuance of interim binder; its terms and conditions.

Upon acceptance of an application, an interim binder in the form of one of those named in § 198.305 will be issued, and there shall be deemed to be incorporated therein by reference all of the terms, conditions and warranties contained in the standard war risk carriers liability to cargo insurance policies to be prescribed by the Federal Aviation Administrator, pursuant to the provisions of § 198.306, to the same extent as if such policies were made a part of the binder. The binding fee shall be $25 per aircraft.

§ 198.303 Sums which will be insured.

The sums insured shall be those stated in the application, but the liability for any one accident shall not exceed $1 million.

§ 198.304 Calculation of premiums.

Premiums will be calculated by multiplying the applicable premium rate by the gross revenue received by the Insured for the transportation of cargo.

§ 198.305 Standard forms of war risk carriers liability to cargo insurance interim binders.

The standard forms of carriers liability to cargo insurance interim binders for premium and nonpremium war risk carriers liability to cargo insurance are set forth in Appendix F of this part, as follows:

(a) Interim Binder No. PR–CLWR, FAA Form 2000–7 (12–67) (supersedes UST Form No. WRI–7 (9–63)).

(b) Interim Binder No. NON–PR–CLWR, FAA Form 2000–7.1 (12–67) (supersedes UST Form No. WRI–7A (9–63)).

§ 198.306 Standard forms of war risk carriers liability to cargo insurance policies.

Standard forms of war risk carriers liability to cargo insurance policies for premium and nonpremium insurance will be prescribed by the Federal Aviation Administrator, and published in the FEDERAL REGISTER as as amendment to this section.

§ 198.307 Effect on other General Orders—War Risk Insurance.

This part supersedes all General Orders—War Risk Insurance previously issued.

APPENDIX A—FORMS OF APPLICATION, NAMED IN § 198.101

The application forms that must be used under § 198.101 are as follows:

(a) *FAA Form 2000–2 (12–67) (supersedes UST Form No. WRI–1 (9–63)).*

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION

Application for Premium War Risk Hull and Liability, Exclusive of Cargo, Insurance

Application is made for premium War Risk Hull and Liability, exclusive of Cargo, Insurance, pursuant to Title XIII of the Federal Aviation Act of 1958, as amended, and in accordance with all provisions of law and subject to all limitations thereof, on the aircraft described in the attached Schedule of Aircraft, with the understanding that this application does not commit the Government to any liability or make the applicant liable for any premium unless insurance is effected by the Federal Aviation Administrator.

Name of applicant _____
Address _____
Applicant's interest in aircraft described is that of _____
_____
Mortgage, or other encumbrance, if any _____
_____
Hull loss, if any, payable to _____
_____

Hull

Amounts set forth in the attached "Schedule of Aircraft" as representing the amount of war risk hull insurance desired for each such aircraft shall not exceed the amount in effect on the date of this application, by which the applicant has insured, or self-insured, that aircraft against risks other than war risks.

Liability

The type of coverage required for the aircraft described in the attached "Schedule of Aircraft" shall be indicated and the limits of liability for each such coverage shall be specified in the schedule, but such limits shall not exceed the corresponding amounts in effect on the date of this application by which the applicant has insured, or self-insured, itself against liability arising from risks other than war risks.

Type of coverage	*Each person amount requested*	*Each occurrence amount requested*	*Insurance (including self-insurance) in effect for risks other than war risks: Each person*	*Each occurrence*
( ) Bodily injury or death (excluding passengers)				
( ) Property damage				
( ) Bodily injury or death (passengers)				
( ) Baggage and personal effects				

General

Insurance to attach, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics and the United States of America), at and from 24 hours from midnight G.M.T. of the day on which such outbreak of war occurs. Nevertheless, should the aircraft:

(1) Be in the air when such outbreak of war occurs, or

(2) Being at an airport depart therefrom as a measure of safety in respect of an insured peril within 24 hours of such outbreak of war, this insurance shall not attach until midnight G.M.T. of the day on which the aircraft lands wherever such landing may be regardless of whether or not accidental damage has been sustained by the aircraft.

If this application is for insurance with respect to a foreign-flag aircraft, it shall be accompanied by the statement specified in § 198.3 of the regulations of the Federal Aviation Administrator (14 CFR Part 198) which statement shall be deemed to be part of this application.

Binding fee (not returnable unless application is rejected) is $100 per aircraft.

Check payable to the Treasurer of the United States for the total amount of all binding fees enclosed herewith.

Rate of premium shall be fixed by the Federal Aviation Administrator, acting for the Secretary of Transportation.

The war risk insurance applied for hereunder shall not cover war risks on persons

or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

Applicant warrants that the particulars herein are true and complete to the best of his knowledge and that no information has been withheld or suppressed.

Applicant agrees that this application and the terms and conditions of the form of policy prescribed by the Federal Aviation Administrator, acting for the Secretary of Transportation, will constitute the basis of any contract between him and the United States of America.

Applicant _____

By _____
(Name and Title)

Date _____

Schedule of Aircraft

To be attached to FAA Form 2000-2 (12-67)

Make, model and configuration (passenger, cargo, or convertible)	*FAA identification No. or equivalent*	*Amount of war risk hull insurance desired for each aircraft*	*Amount for which each aircraft is currently insured (including self-insurance) for risks other than war risks*

(b) FAA Form 2000-2.1 (12-67) (Supersedes UST Form No. WRI-1B (9-63)).

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION

Application for Nonpremium War Risk Hull and Liability, Exclusive of Cargo, Insurance

Application is made for War Risk Hull and Liability, exclusive of Cargo, insurance, without premium, pursuant to Title XIII of the Federal Aviation Act of 1958, as amended, and in accordance with all provisions of law and subject to all limitations thereof, on the aircraft described in the attached "Schedule of Aircraft and Government Contracts," while being operated under the air transportation contract(s) with the Department of Defense, referred to in such schedule, with the understanding that this application does not commit the Government to any liability unless insurance is effected by the Federal Aviation Administrator.

Name of applicant _____

Address _____

Applicant's interest in aircraft described is that of _____

_____

Mortgage, or other encumbrance, if any

_____

Hull loss, if any, payable to _____

_____

Hull

Amounts set forth in the attached "Schedule of Aircraft and Government Contracts" as representing the amount of war risk hull insurance desired for each such aircraft shall not exceed the amount, in effect on the date of this application, by which the applicant has insured, or self-insured, that aircraft against risks other than war risks.

Liability

The type of coverage required for the aircraft described in the attached "Schedule of Aircraft and Government Contracts" shall be indicated and the limits of liability for each such coverage shall be specified in the schedule, but such limits shall not exceed the corresponding amounts in effect on the date of this application by which the applicant has insured, or self-insured, itself against liability arising from risks other than war risks.

The application shall be accompanied by copies of any commercial war risk insurance policy and any company plan of self-insurance applicable to the aircraft listed in the "Schedule of Aircraft and Government Contracts."

The application shall also be accompanied by a statement signed, in his personal capacity, by the same corporate official who signs the application on behalf of the applicant, which statement shall be considered to be incorporated in the application and to form a part thereof. The statement shall show that the applicant:

(a) Controls and operates the aircraft listed in the attached "Schedule of Aircraft and Government Contracts" and that such aircraft are committed, under the contracts listed in such schedule, to the Department of Defense for use during an air transportation emergency;

(b) Cannot obtain war risk insurance of the type requested on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States, or has partial commerical insurance coverage against war risks, but is unable to obtain the additional needed insurance of the type requested on reasonable terms and conditions from such commercial sources;

(c) Is maintaining and has maintained during the 6-month period preceding this application (or since the aircraft was acquired if acquired during the 6-month period) insurance, including demonstrable self-insurance, covering possible injury, loss or damage from risks other than war risks in amounts which equal or exceed the war risk insurance coverages requested in the application; and

(d) Shall name the commercial insurance carriers which have been contacted and the premium rates quoted by such carriers which he considers not reasonable, and any conditions or limitations which those carriers would impose in connection with war risk insurance which would cause their insurance to be inapplicable to some or all of the operations under the Government contracts listed in the "Schedule of Aircraft and Government Contracts."

General

Insurance to attach at the time and date specified in the Policy issued pursuant to this application.

The war risk insurance applied for hereunder shall not cover war risks on persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

The "Schedule of Aircraft and Government Contracts" attached hereto may be revised from time to time by agreement of the Federal Aviation Administrator and the Insured and with the approval of the Military Air Transport Service to add aircraft or to add contracts.

Applicant warrants that the particulars herein are true and complete to the best of his knowledge and that no information has been withheld or suppressed.

Applicant agrees that this application, including all attachments hereto, all revisions of such schedule hereinafter accepted by the Government and the terms and conditions of the policies issued by the Federal Aviation Administrator, acting for the Secretary of Transportation, for war risk hull and liability, exclusive of cargo, insurance, will constitute the basis of any contract between him and the United States of America.

Binding fee (not returnable unless application is rejected) is $100 per aircraft listed on the "Schedule of Aircraft and Government Contracts," or any revision of such schedule adding aircraft.

Check payable to the Treasurer of the United States for the total amount of all binding fees enclosed herewith.

Applicant _____

By _____
(Name and Title)

Date _____

(Application must be signed by a responsible corporate official authorized to sign the application and to agree, for the Insured, in changes to the schedule.)

Schedule of Aircraft and Government Contracts

To be attached to FAA Forms 2000-2.1, 2000-4, and 2000-5 (12-67)

Aircraft

Make, model and configuration (passenger, cargo, or convertible)	*FAA identification No. or equivalent*	*Amount of war risk hull insurance desired for each aircraft*	*Amount for which each aircraft is currently insured (including self-insurance) for risks other than war risks*

Contracts with the military air transport service in effect for overseas or foreign transportation: _____

Liability

Type of coverage	*Each person amount requested*	*Each occurrence amount requested*	*Insurance (including self-insurance) in effect for risks other than war risks: Each person*	*Each occurrence*
( ) Bodily injury or death (excluding passengers)				
( ) Property damage				
( ) Bodily injury or death (passengers)				
( ) Baggage and personal effects				

(c) *FAA Form 2000-2.2 (12-67) (supersedes UST Form No. WRI-1C (9-63))*.

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION,

FEDERAL AVIATION ADMINISTRATION

Application for Nonpremium War Risk Hull and Liability, Exclusive of Cargo, Insurance

Application is made for War Risk Hull and Liability, exclusive of Cargo, Insurance, without premium, pursuant to Title XIII of the Federal Aviation Act of 1958, as amended, and in accordance with all provisions of law and subject to all limitations thereof, on the aircraft described in the attached Schedule of Aircraft, with the understanding that this application does not commit the Government to any liability unless insurance is effected by the Federal Aviation Administrator.

Name of Applicant _____
Address _____
Date and number of Applicant's Department of State contract(s) _____
Applicant's interest in aircraft described is that of _____
Mortgage, or other encumbrance, if any _____
_____
Hull loss, if any, payable to _____
_____

Hull

Amounts set forth in the attached "Schedule of Aircraft" as representing the amount of war risk hull insurance desired for each such aircraft shall not exceed the amount in effect on the date of this application, by which the applicant has insured, or self-insured, that aircraft against risks other than war risks.

Liability

The type of coverage required for the aircraft described in the attached "Schedule of Aircraft" shall be indicated and the limits of liability for each such coverage shall be specified in the schedule, but such limits shall not exceed the corresponding amounts in effect on the date of this application by which the applicant has insured, or self-insured, itself against liability arising from risks other than war risks.

Type of coverage	*Each person amount requested*	*Each occurrence amount requested*	*Insurance (including self-insurance) in effect for risks other than war risks: Each person*	*Each occurrence*
( ) Bodily injury or death (excluding passengers)				
( ) Property damage				
( ) Bodily injury or death (passengers)				
( ) Baggage and personal effects				

General

Insurance to attach while the aircraft described in the attached schedule are being operated under applicant's Department of State contract(s) No. ____, dated _____.

Binding fee (not returnable unless application is rejected) is $100 per aircraft.

Check payable to the Treasurer of the United States for the total amount of all binding fees enclosed herewith.

The war risk insurance applied for hereunder shall not cover war risks on persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

Applicant warrants that the particulars herein are true and complete to the best of his knowledge and that no information has been withheld or suppressed.

Applicant agrees that this application and the terms and conditions of the form of policy prescribed by the Federal Aviation Administrator, acting for the Secretary of Transportation, for war risk hull and liability, exclusive of cargo, insurance provided to U.S. air carriers having agreements with the Department of State will constitute the basis of any contract between him and the United States of America.

Applicant _____
By _____
(Name and title)
Date _____

Schedule of Aircraft

To be attached to FAA Form 2000-2.2 (12-67)

Make, model and configuration (passenger, cargo, or convertible)	*FAA identification No. or equivalent*	*Amount of war risk hull insurance desired for each aircraft*	*Amount for which each aircraft is currently insured (including self-insurance) for risks other than war risks*

APPENDIX B—STANDARD FORMS OF WAR RISK HULL INSURANCE INTERIM BINDERS, NAMED IN § 198.106

The standard form Interim Binders prescribed under § 198.106 are as follows:

(a) *FAA Form 2000-3 (12-67) (supersedes UST Form No. WRI-2 (9-63))*.

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION

Interim Binder No. PR-H&LWR

The United States of America, represented by the Federal Aviation Administrator, acting for the Secretary of Transportation, in consideration of the binding fee and premium provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Title XIII of the Federal Aviation Act of 1958, as amended, against Hull and Liability, exclusive of Cargo, War Risks only, subject to the conditions stated herein, on the aircraft described in the attached Schedule of Aircraft.

Name of Insured _____
Address _____
Hull loss, if any, payable to _____
_____

Hull

Amounts set forth in the "Schedule of Aircraft" attached to the Insured's application for premium war risk hull and liability, exclusive of cargo, insurance, a copy of which is attached hereto and made a part hereof, as representing the amount of war risk hull insurance desired for each of such aircraft, shall be deemed to be the "sum insured"; *Provided*, This amount, in each instance, may not exceed either (i) the amount determined by the Federal Aviation Administrator in accordance with the provisions of section 1307(a), Title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1537(a)), or (ii) the amount in effect on the date of application for this insurance by which the Insured has insured, or self-insured, that aircraft against risks other than war risks covered by this binder.

Liability

Insurance of the type indicated and in the limits shown below is provided in respect to each of the aircraft shown in the attached "Schedule of Aircraft":

Type of coverage	*Each person*	*Each occurrence*
Bodily injury or death (excluding passengers)	$_____	$_____
Property damage		$_____
Bodily injury or death (passengers)	$_____	$_____
Baggage and personal effects		$_____

The above amounts may not exceed the corresponding amounts in effect on the date of application for this insurance by which the Insured has insured, or self-insured, itself against similar liabilities arising from risks other than war risks covered by this binder.

General

Attaching in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics and the United States of America), at and from 24 hours from midnight G.M.T. of the day on which such outbreak of war occurs. Nevertheless, should the aircraft:

(1) Be in the air when such outbreak of war occurs, or

(2) Being at an airport depart therefrom as a measure of safety in respect to an insured peril within 24 hours of such outbreak of war, this insurance shall not attach until midnight G.M.T. of the day on which

the aircraft lands wherever such landing may be regardless of whether or not accidental damage has been sustained by the aircraft.

This binder shall terminate:

(a) Upon expiration of the authority of the Secretary of Transportation to provide War Risk Insurance under Title XIII of the Federal Aviation Act of 1958, as amended, or

(b) Three years from its date, or

(c) Five days after telegraphic notice of cancellation has been dispatched to the Insured by the Federal Aviation Administrator, or

(d) Upon the issuance of a policy by the Federal Aviation Administrator with respect to any insurance bound herein which is covered by that policy, whichever shall occur first.

The Insured agrees that if the amounts of insurance, or self-insurance, carried against loss, damage, or liability arising from risks other than war risks are voluntarily reduced to amounts less than the amounts of insurance provided by this binder, the insurance under this binder shall be considered to have been automatically reduced to the new amounts at the time of such reduction.

The insurance provided hereunder does not cover any war risks on persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

There shall be deemed to be incorporated herein all of the terms, conditions, and warranties contained in the applicable war risk hull and war risk liability, exclusive of cargo, insurance policies prescribed by the Federal Aviation Administrator pursuant to the provisions of §§ 198.107 and 198.206, respectively, of the regulations of the Federal Aviation Administrator (14 CFR Part 198).

The premium rate for this insurance shall be subject to review and revision by the Federal Aviation Administrator each calendar month. Unless the revised premium rate is accepted in writing by the Insured within 10 days after dispatch of notice of the amount thereof, the insurance provided hereunder shall automatically terminate at the end of such 10-day period. Premium at the new revised rate shall be charged for the 10-day period during which this insurance remained in force, unless the Federal Aviation Administrator receives notice within such period of the refusal of the insured to accept such new revised premium rate, in which event premium at the new revised rate shall be charged for that portion of the 10-day period prior to receipt of such notice. Upon receipt of such notice of nonacceptance, the insurance provided hereunder shall terminate, notwithstanding any other provision for cancellation in this binder. In the event this insurance is cancelled, or otherwise terminated, and not replaced by a policy, there shall be a premium charge hereunder for the period during which this insurance has been in force. Premium payments shall be made to the Federal Aviation Administrator by check payable to the order of the Treasurer of the United States of America.

In the event of any loss covered by this binder, prompt notice thereof shall be given by the Insured to the Federal Aviation Administrator, but failure to give such prompt notice because of wartime conditions or regulations shall not prejudice this insurance. The Insurer shall be subrogated to all rights which the Insured may have against any other person or entity in respect of any payment made under this binder to the extent of such payment, and the Insured shall, upon the request of the Insurer, execute all documents necessary to secure such rights to the Insurer.

Warranted that during the period of this binder and the term of any insurance attaching hereunder the aircraft is (1) an American aircraft as defined in section 1301 (a), Title XIII of the Federal Aviation Act of 1958, as amended, or (2) a foreign-flag aircraft engaged in aircraft operations deemed by the Federal Aviation Administrator to be in the interest of the national defense or the national economy of the United States, and if, at any time during the binder period or after insurance attached hereunder, the aircraft shall cease to come within either (1) or (2) above, this binder and insurance provided hereunder shall automatically terminate at the time of such change with respect to such aircraft, without return of premium unless the Federal Aviation Administrator agrees otherwise.

UNITED STATES OF AMERICA

By FEDERAL AVIATION ADMINISTRATOR, ACTING FOR THE SECRETARY OF TRANSPORTATION.

(FEDERAL AVIATION ADMINISTRATOR)

Date ----------

(b) *FAA Form 2000–3.1 (12–67) (supersedes UST Form No. WRI–2C (9–63))*.

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION

Interim Binder No. NON–PR–H&LWR

The United States of America, represented by the Federal Aviation Administrator, acting for the Secretary of Transportation, in consideration of the agreement of the Secretary of State to indemnify the Secretary of Transportation against all losses covered by war risk insurance provided, without premium, for United States air carriers having agreements with the Department of State for the continuation of regularly scheduled service or the provision of charter service, and in consideration of the binding fee provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Title XIII of the Federal Aviation Act of 1958, as amended, against Hull and Liability, exclusive of Cargo, War Risks only, subject to the conditions stated herein, on the aircraft described in the attached Schedule of Aircraft while being operated by the Insured under Department of State contract(s) No.------, dated ----------

Name of Insured ----------
Address ----------
Hull loss, if any, payable to ----------

Hull

Amounts set forth in the "Schedule of Aircraft" attached to the Insured's application for war risk hull and liability, exclusive of cargo, insurance, without premium, a copy of which is attached hereto and made a part hereof, as representing the amount of war risk hull insurance desired for each of such aircraft, shall be deemed to be the "sum insured"; *Provided*, This amount, in each instance, may not exceed either (i) the amount determined by the Federal Aviation Administrator in accordance with the provisions of section 1307(a), Title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1537(a)), or (ii) the amount in effect on the date of application for this insurance by which the Insured has insured, or self-insured, that aircraft against risks other than war risks covered by this binder.

Liability

Insurance of the type indicated and in the limits shown below is provided in respect to each of the aircraft shown in the attached "Schedule of Aircraft":

Type of coverage	*Each person*	*Each occurrence*
Bodily injury or death (excluding passengers)	$----------	$----------
Property damage		$----------
Bodily injury or death (passengers)	$----------	$----------
Baggage and personal effects		$----------

The above amounts may not exceed the corresponding amounts in effect on the date of application for this insurance by which the Insured has insured, or self-insured, itself against similar liabilities arising from risks other than war risks covered by this binder.

General

Attaching when the Insured commences performance of services under Department of State contract(s) No. ------, dated ----------.

This binder shall terminate:

(a) Upon expiration of the authority of the Secretary of Transportation to provide War Risk Insurance under Title XIII of the Federal Aviation Act of 1958, as amended, or

(b) Three years from its date, or

(c) Upon expiration or cancellation of the Insured's Department of State contract(s) No. ------, dated ----------, or

(d) Five days after telegraphic notice of cancellation has been dispatched to the Insured by the Federal Aviation Administrator, or

(e) Upon the issuance of a policy by the Federal Aviation Administrator, with respect to any insurance bound herein which is covered by that policy, whichever shall occur first.

The Insured agrees that if the amounts of insurance, or self-insurance, carried against loss, damage, or liability arising from risks other than war risks are voluntarily reduced to amounts less than the amounts of insurance provided by this binder, the insurance under this binder shall be considered to have been automatically reduced to the new amounts at the time of such reduction.

The insurance provided hereunder does not cover any war risks on persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

There shall be deemed to be incorporated herein all of the terms, conditions, and warranties contained in the applicable war risk hull and war risk liability, exclusive of cargo, insurance policies prescribed by the Federal Aviation Administrator pursuant to the provisions of §§ 198.107 and 198.206, respectively, of the regulations of the Federal Aviation Administrator (14 CFR Part 198).

In the event of any loss covered by this binder, prompt notice thereof shall be given by the Insured to the Federal Aviation Administrator, but failure to give such prompt notice because of wartime conditions or regulations shall not prejudice this insurance. The Insurer shall be subrogated to all rights which the Insured may have against any other person or entity in respect of any payment made under this binder to the extent of such payment, and the Insured shall, upon the request of the Insurer, execute all documents necessary to secure such rights to the Insurer.

Warranted that during the period of this binder and the term of any insurance attaching hereunder the aircraft is an American aircraft as defined in section 1301(a), Title XIII of the Federal Aviation Act of 1958, as amended, and if at any time during the binder period or after insurance attaches hereunder, the aircraft shall cease to be an American aircraft as so defined, or ceases to be under the agreement with the Depart-

ment of State, this binder and insurance provided hereunder shall automatically terminate at the time of such change with respect to such aircraft, without return of binding fee unless the Federal Aviation Administrator agrees otherwise.

UNITED STATES OF AMERICA
BY FEDERAL AVIATION ADMINISTRATOR,
ACTING FOR THE SECRETARY OF
TRANSPORTATION.

(Federal Aviation Administrator)

Date ----------

APPENDIX C—STANDARD FORMS OF WAR RISK HULL INSURANCE POLICIES, NAMED IN § 198.107

The standard form policy prescribed under § 198.107 is as follows:

FAA Form 2000–4 (12–67) (supersedes UST Form No. WRI–3B (9–63)).

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

Policy No. NON–PR–HWR------

The United States of America (hereinafter referred to as the Insurer), represented by the Federal Aviation Administrator, acting for the Secretary of Transportation, by this Policy of Insurance, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Title XIII of the Federal Aviation Act of 1958, as amended, and in consideration of the agreement of the Secretary of Defense to indemnify the Secretary of Transportation against all losses covered by War Risk Insurance provided, without premium, for U.S. air carriers having air transportation contracts with the Department of Defense and the payment of binding fees, does insure, without premium, the aircraft described in the attached "Schedule of Aircraft and Government Contracts" for the account of ---------- (hereinafter referred to as the Insured) while being operated by the Insured under a contract listed in the Schedule.

Loss, if any, payable to ----------

Amounts set forth in the "Schedule of Aircraft and Government Contracts" attached to the Insured's application for war risk hull and liability, exclusive of cargo, insurance, without premium, a copy of which is attached hereto and made a part hereof, as representing the amount of war risk hull insurance desired for each of such aircraft shall be deemed to be the "sum insured"; *Provided*, This amount, in each instance, may not exceed either (1) the amount determined by the Federal Aviation Administrator in accordance with the provisions of section 1307(a), Title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1537(a)), or (ii) the amount in effect on the date of application for this insurance by which the Insured has insured, or self-insured, that aircraft against risks other than war risks covered by this Policy.

The Insured agrees that if the amount of insurance or self-insurance, carried against loss or damage from risks other than war risks is voluntarily reduced to an amount less than the amount of insurance provided by this Policy, the insurance under this Policy shall be considered to have been automatically reduced to the new amounts at the time of such reduction.

The "Schedule of Aircraft and Government Contracts" attached hereto may be revised from time to time by agreement of the Federal Aviation Administrator and the Insured and with approval of the Military Air Transport Service to add aircraft or to add contracts.

The insurance covers from ------M., e.s.t. of the ------ day of ----------, 19-- until cancelled or terminated in accordance with the terms of this Policy.

This insurance covers all physical loss or damage to the aircraft described and set forth in the "Schedule of Aircraft and Government Contracts" attached hereto, including engines, navigational instruments, parts and equipment usually carried on said aircraft, resulting from the risks which would be excluded from a commercial Aviation Hull Policy by the following clause:

"Loss or damage due to or resulting from: (1) Capture, seizure, arrest, restraint or detention or the consequences thereof or of any attempt thereat, or any taking of the property insured or damage to or destruction thereof by any Government or governmental authority or agent (whether secret or otherwise) or by any military, naval or usurped power, whether any of the foregoing be done by way of requisition or otherwise and whether in time of peace or war and whether lawful or unlawful; (2) war, invasion, civil war, revolution, rebellion, insurrection or warlike operations, whether there be a declaration of war or not."

Notwithstanding anything contained in the foregoing clause, this insurance does not cover any loss or damage caused by or resulting from capture, seizure, arrest, restraint, detainment, preemption, confiscation or requisition by the Government of the United States, or from arrest, restraints, or detainments under Customs or quarantine regulations or similar arrests, restraints, or detainments not arising from actual or impending hostilities or sanctions.

The Insurer will pay, subject to the terms and conditions of this Policy: (1) In respect to total loss, the insured value of the aircraft, and (2) in respect to partial loss:

(a) If repairs are made by other than the Insured, the cost to repair the damaged property with material of like kind and quality, plus the reasonable cost of transporting new and/or damaged parts and/or the damaged aircraft to place of repair and the return of the repaired aircraft to place of accident or home airport, whichever be nearer.

(b) If repairs are made by the Insured, the total of the following items:

I. Actual cost of material or parts of like kind and quality.

II. Actual wages paid for direct labor, excluding extra charges for overtime.

III. A reasonable percentage of Item II in lieu of all overhead, including supervisory services, or actual overhead costs as determined by the Federal Aviation Administrator.

IV. The reasonable cost of transporting new and/or damaged parts and/or the damaged aircraft to place of repair and return of the repaired aircraft to place of accident or home airport, whichever be nearer.

(c) If repairs are not made and the aircraft is subsequently lost, then the estimated cost of making such repairs to the damaged property with material of like kind and quality.

The amount due under this Policy in respect to a partial loss shall not exceed the amount due were the loss payable as a total loss. Where the amount paid hereunder is equal to the amount payable as a total loss, any salvage value remaining shall inure to the benefit of the Insurer. There shall, however, be no abandonment without the consent of the Insurer.

The sum insured shall be reduced by the amount of any loss or damage, whether or not covered by this Policy, until repairs have been completed.

In the event of any loss covered by this Policy, prompt notice thereof, on being known to the Insured, shall be given by the Insured to the Federal Aviation Administrator, but failure to give such prompt notice because of wartime conditions or regulations shall not prejudice this insurance.

Within sixty (60) days after loss or damage, the Insured shall render to the Federal Aviation Administrator a proof of loss signed and sworn to by the Insured, stating the place, time and cause of the loss or damage, the interest of the Insured and of all others in the property, the sound value thereof, the amount and nature of the loss or damage, all encumbrances thereon, all changes in title, and all other insurance covering said property whether valid and collectible or not.

The Insurer shall be subrogated to all the rights which the Insured may have against any other person or entity, in respect of any payment made under this Policy, to the extent of such payment, and the Insured shall, upon the request of the Insurer, execute all documents necessary to secure to the Insurer such rights.

The insurance provided hereunder covers only loss or damage to the aircraft described in the attached "Schedule of Aircraft and Government Contracts" while the aircraft is being operated by the Insured, during the Policy period, under a contract listed in that Schedule when the loss or damage occurs. Such operations under the listed contracts shall be deemed to include ferry flights to position or deposition the aircraft, provided that on such ferry flight the aircraft does not carry any passengers, cargo or mail for remuneration or hire, and provided further that such ferry flight is operated nonstop (1) to the point of origin of the military traffic flight or (ii) from the point of destination of the military traffic flight back to the point of origin, or to a maintenance base normally used by the Insured, or to a point where the Insured intends to place the aircraft in commercial or military service.

The insurance provided hereunder does not cover any war risks on aircraft engaged exclusively in air commerce within the several States of the United States and the District of Columbia.

This Policy shall terminate:

(a) Upon expiration of the authority of the Secretary of Transportation to provide War Risk Insurance under Title XIII of the Federal Aviation Act of 1958, as amended, or

(b) Five (5) days after telegraphic notice of cancellation has been dispatched to the Insured by the Federal Aviation Administrator, or

(c) As to any aircraft or contract upon the date specified in a notice from the Insured to the Federal Aviation Administrator requesting such cancellation, or

(d) As to any aircraft or contract five (5) days after telegraphic notice of cancellation has been dispatched to the Insured by the Federal Aviation Administrator with the approval of the Military Air Transport Service.

Warranted free from any claim for loss, damage or expense covered under any commercial policy in effect for the benefit of the Insured. This Policy may be cancelled, in whole or in part, by the Federal Aviation Administrator if comparable insurance becomes obtainable on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States. The Insured agrees that it will promptly notify the Federal Aviation Administrator of any significant change in the terms and conditions under which insurance of the type provided by this Policy is obtainable from such sources.

Warranted during the term of this insurance the aircraft insured hereunder are American aircraft as defined in section 1301 (a), Title XIII of the Federal Aviation Act of 1958, as amended, and if at any time during such term an aircraft shall cease to be

an American aircraft as so defined, the insurance provided hereunder shall automatically terminate at the time of such change with respect to such aircraft without the return of binding fee unless the Federal Aviation Administrator agrees otherwise.

UNITED STATES OF AMERICA
By FEDERAL AVIATION ADMINISTRATOR,
ACTING FOR THE SECRETARY OF TRANSPORTATION.

(Federal Aviation Administrator)

Date----------

NOTE: Additional standard forms of war risk hull insurance policies will be prescribed by the Federal Aviation Administrator, and published in the FEDERAL REGISTER as an amendment to § 198.107 and this appendix.

APPENDIX D—STANDARD FORMS OF WAR RISK LIABILITY INSURANCE, EXCLUSIVE OF CARGO LIABILITY, POLICIES, NAMED IN § 198.206

The standard form policy prescribed under § 198.206 is as follows:

FAA Form 2000–5 (12–67) (supersedes UST Form No. WRI–4B (9–63)).

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION

Policy No. NON–PR–LWR -------

The United States of America (hereinafter the Federal Aviation Administrator, acting for the Secretary of Transportation, by this policy of insurance, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Title XIII of the Federal Aviation Act of 1958, as amended, and in consideration of the agreement of the Secretary of Defense, to indemnify the Secretary of Transportation against all losses covered by War Risk Insurance provided, without premium, for U.S. air carriers having air transportation contracts with the Department of Defense and the payment of binding fees, does insure, without premium, ---------- (hereinafter referred to as the Insured) as specified in this Policy.

Insurance of the type indicated and in the limits shown below is provided in respect to each of the aircraft shown in the "Schedule of Aircraft and Government Contracts," attached hereto and made a part hereof, while being operated by the Insured under a contract listed in such schedule. The "Schedule of Aircraft and Government Contracts" may be revised from time to time by agreement of the Federal Aviation Administrator and the Insured and with the approval of the Military Air Transport Service to add aircraft or to add contracts.

Type of coverage	*Each person*	*Each occurrence*
Bodily injury or death (excluding passengers)	$----------	$----------
Property damage		$----------
Bodily injury or death (passengers)	$----------	$----------
Baggage and personal effects		$----------

The above amounts may not exceed the corresponding amounts in effect on the date of application for this insurance by which the Insured has insured, or self-insured, itself against similar liability arising from risks other than the war risks covered by this Policy.

The Insured agrees that if the amounts of insurance, or self-insurance, carried against liabilities arising from such other risks are reduced to amounts less than the amounts of insurance provided by this Policy, the insurance under this Policy shall be considered to have been automatically reduced to the new amounts at the time of such reduction.

This insurance covers from ------- M., e.s.t. of the ------ day of ----------, 19--, until cancelled or terminated in accordance with the terms of this Policy.

Subject to the limits of liability, exclusions, conditions and other terms of this Policy, the Insurer hereby agrees to pay on behalf of the Insured all sums which the Insured shall be legally liable to pay and shall pay or by final judgment be adjudged to pay to any person or persons, including damages for care and loss of services, for personal injuries sustained, including death at any time resulting therefrom, or by reason of loss or damage to or destruction of property, including the loss of use thereof (but including property owned, rented, leased, in charge of, or transported by the Insured other than passenger baggage), in respect of the aircraft described and set forth in the attached "Schedule of Aircraft and Government Contracts" (each aircraft separately insured), while such aircraft are being operated by the Insured under the contracts listed in the Schedule, resulting from the risks which would be excluded from a commercial Aviation Liability Policy by the following clause:

"Any liability arising out of occurrence due directly or indirectly to war, invasion, insurrection, military, naval or usurped power, or by order of any civil authority."

Notwithstanding anything contained in the foregoing clause, this insurance does not cover any loss or damage or any legal liability arising out of or caused by or resulting from capture, seizure, arrest, restraint, detainment, preemption, confiscation or requisition by the Government of the United States, or from arrests, restraints, or detainments under Customs or quarantine regulations or similar arrests, restraints or detainments not arising from actual or impending hostilities or sanctions.

The Insured shall, unless directed otherwise by the Insurer: defend in its name and behalf any suit against it alleging such injury or destruction and seeking damages on account thereof, even if such suit is groundless, false or fraudulent; but the Insurer shall at its election have the right to participate in or conduct such defense and to make such investigation, negotiation and settlement of any claim or suit as may be deemed expedient by the Insurer.

The Insurer shall reimburse the Insured, if suit is defended by the Insured, for: All premiums on bonds to release attachments for an amount not in excess of the applicable limits of liability of this Policy, all premiums on appeal bonds required in such suit, all costs taxed against the Insured in such suit, all expenses incurred by the Insured, all interest accruing after entry of judgment until the Insurer has paid, tendered or deposited in court such part of such judgment as does not exceed the limit of the Insurer's liability thereon: *Provided*, That the Insurer shall pay only such expenses incurred as a result of a claim covered by this Policy.

In the event of any happening which may result in loss, damage or expense for which the Insurer may become liable, prompt notice thereof, on being known to the Insured, shall be given by the Insured to the Federal Aviation Administrator, but failure to give such prompt notice because of wartime emergency conditions or regulations shall not prejudice this insurance.

If claim is made or suit is brought against the Insured, the Insured shall immediately forward to the Insurer a copy of every demand, notice, summons or other process received by him or his representatives.

The Insured shall not make any admission of liability, either before or after any occurrence which may result in a claim for which the Insurer may be liable. The Insured shall not interfere in any negotiations of the Insurer for settlement of any legal proceedings in respect of any occurrence for which the Insurer is liable under this Policy: *Provided, however*, That in respect of any occurrence likely to give rise to a claim under this Policy, the Insured is obligated to and shall take such steps to protect his and the Insurer's interests as would reasonably be taken in the absence of this or similar insurance.

Whenever required by the Insurer, the Insured shall aid in securing information and evidence and in obtaining witnesses and shall cooperate with the Insurer in the defense of any claim or suit or in the appeal from any judgment, in respect of any occurrence as hereinbefore provided.

No action shall lie against the Insurer unless as a condition precedent thereto, the Insured shall have fully complied with all of the terms of this Policy nor until the amount of the Insured's obligation to pay shall have been finally determined either by judgment against the Insured after actual trial or by written agreement of the Claimant and the Insurer. Any person or organization or the legal representative thereof who has secured such judgment or written agreement shall thereafter be entitled to recover under this Policy to the extent such judgment or written agreement is not in excess of the insurance afforded by this Policy. Nothing contained in this Policy shall give any person or organization any right to join the Insurer as a codefendant in any action against the Insured to determine the Insured's liability. Bankruptcy or insolvency of the Insured or of the Insured's estate shall not relieve the Insurer of any of its obligations hereunder.

The Insurer shall be subrogated to all the rights which the Insured may have against any other person or entity, in respect of any payment made under this Policy, to the extent of such payment, and the Insured shall, upon the request of the Insurer, execute all documents necessary to secure to the Insurer such rights.

The insurance provided hereunder applies only to the aircraft described in the attached "Schedule of Aircraft and Government Contracts" while the aircraft involved is being operated by the Insured, during the Policy period, under a contract listed in that Schedule when the injury, loss or damage leading to the liability occurs. Such operations under the listed contracts shall be deemed to include ferry flights to position or deposition the aircraft, provided that on such ferry flight the aircraft does not carry any passengers, cargo or mail for remuneration or hire, and provided further that such ferry flight is operated nonstop (i) to the point of origin of the military traffic flight or (ii) from the point of destination of the military traffic flight back to the point of origin, or to a maintenance base normally used by the Insured, or to a point where the Insured intends to place the aircraft in commercial or military service.

The insurance provided hereunder does not cover any liability under the provisions of Public Law 267, 64th Congress, approved September 7, 1916, known as the Federal Employees Compensation Act.

The insurance provided hereunder does not apply to persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

This Policy shall terminate:

(a) Upon expiration of the authority of the Secretary of Transportation to provide War Risk Insurance under Title XIII of the Federal Aviation Act of 1958, as amended, or

(b) Five (5) days after telegraphic notice of cancellation has been dispatched to the

Insured by the Federal Aviation Administrator, or

(c) As to any aircraft or contract upon the date specified in a notice from the Insured to the Federal Aviation Administrator requesting such cancellation, or

(d) As to any aircraft or contract five (5) days after telegraphic notice of cancellation has been dispatched to the Insured by the Federal Aviation Administrator, with the approval of the Military Air Transport Service.

Warranted free from any claim for loss, damage or expense covered under any commercial policy in effect for the benefit of the Insured. This Policy may be canceled, in whole or in part, by the Federal Aviation Administrator if comparable insurance becomes obtainable on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States. The Insured agrees that it will promptly notify the Federal Aviation Administrator of any significant change in the terms and conditions under which insurance of the type provided by this Policy is obtainable from such commercial sources.

Warranted that during the term of this insurance the aircraft insured hereunder are American aircraft as defined in section 1301 (a), Title XIII of the Federal Aviation Act of 1958, as amended, and if at any time during such term an aircraft shall cease to be an American aircraft as so defined, the insurance provided hereunder shall automatically terminate at the time of such change with respect to such aircraft without return of binding fee unless the Federal Aviation Administrator agrees otherwise.

UNITED STATES OF AMERICA
By FEDERAL AVIATION ADMINISTRATOR, ACTING FOR THE SECRETARY OF TRANSPORTATION.

(Federal Aviation Administrator)

Date ----------

NOTE: Additional standard forms of war risk hull insurance policies will be prescribed by the Federal Aviation Administrator, and published in the FEDERAL REGISTER as an amendment to § 198.206 and this appendix.

APPENDIX E—FORMS OF APPLICATION, NAMED IN § 198.301

The application forms that must be used under § 198.301 are as follows:

(a) *FAA Form 2000–6 (12–67) (supersedes UST Form No. WRI–6 (9–63)).*

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION

Application for Premium War Risk Carriers Liability to Cargo Insurance

Application is made for Premium War Risk Carriers Liability to Cargo Insurance, pursuant to Title XIII of the Federal Aviation Act of 1958, as amended, and in accordance with all provisions of law and subject to all limitations thereof, on the aircraft described in the attached Schedule of Aircraft, with the understanding that this application does not commit the Government to any liability or make the applicant liable for any premium unless insurance is effected by the Federal Aviation Administrator:

Name of applicant ----------
Address ----------
Loss, if any, payable to ----------

Limits of liability desired for each of the aircraft described in the attached Schedule of Aircraft shall be specified, but the limit for any one accident shall not exceed $1 million.

Insurance to attach, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics and the United States of America), at and from 24 hours from midnight G.M.T. of the day on which such outbreak of war occurs. Nevertheless, should the aircraft:

(1) Be in the air when such outbreak of war occurs, or

(2) Being at an airport depart therefrom as a measure of safety in respect to an insured peril within 24 hours of such outbreak of war,

this insurance shall not attach until midnight G.M.T. of the day on which the aircraft lands wherever such landing may be regardless of whether or not accidental damage has been sustained by the aircraft.

If this application is for insurance with respect to a foreign-flag aircraft, it shall be accompanied by the statement specified in § 198.3 of the regulations of the Federal Aviation Administrator (14 CFR Part 198) which statement shall be deemed to be a part of this application.

Binding fee (not returnable unless application is rejected) is $25 per aircraft.

Check payable to the Treasurer of the United States for the total amount of all binding fees enclosed herewith.

Rate of premium shall be fixed by the Federal Aviation Administrator, acting for the Secretary of Transportation.

The war risk insurance applied for hereunder shall not cover war risks on property (cargo) transported exclusively in air commerce within the several States of the United States and the District of Columbia.

Applicant warrants that the particulars herein are true and complete to the best of his knowledge and that no information has been withheld or suppressed.

Applicant agrees that this application and the terms and conditions of the form of policy prescribed by the Federal Aviation Administrator, acting for the Secretary of Transportation, will constitute the basis of any contract between him and the United States of America.

Applicant ----------
By ----------
(Name and Title)

Date ----------

Schedule of Aircraft

To be attached to FAA Form 2000-6 (12-67)

Make, model, and configuration (passenger, cargo or convertible)	*FAA identification No. or equivalent*	*Limits of liability desired for each aircraft*

(b) *FAA Form 2000–6.1 (12–67) (supersedes UST Form No. WRI–6A (9–63)).*

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION

Application for Nonpremium War Risk Carriers Liability to Cargo Insurance

Application is made for War Risk Carriers Liability to Cargo Insurance, without premium, pursuant to Title XIII of the Federal Aviation Act of 1958, as amended, and in accordance with all provisions of law and subject to all limitations thereof, on the aircraft described in the attached Schedule of Aircraft, with the understanding that this application does not commit the Government to any liability unless insurance is effected by the Federal Aviation Administrator.

Name of applicant ----------
Address ----------
Date and number of applicant's Department of State contract(s) ----------
---
Loss, if any, payable to ----------

Limits of liability desired for each of the aircraft described in the attached Schedule of Aircraft shall be specified but the limit for any one accident shall not exceed $1 million.

Insurance to attach while the aircraft described in the attached Schedule are being operated by the applicant under its Department of State contract(s) No.----------, dated ----------.

Binding fee (not returnable unless application is rejected) is $25 per aircraft.

Check payable to the Treasurer of the United States for the total amount of all binding fees enclosed herewith.

The war risk insurance applied for hereunder shall not cover war risks on property (cargo) transported exclusively in air commerce within the several States of the United States and the District of Columbia.

Applicant warrants that the particulars herein are true and complete to the best of his knowledge and that no information has been withheld or suppressed.

Applicant agrees that this application and the terms and conditions of the form of policy prescribed by the Federal Aviation Administrator, acting for the Secretary of Transportation, for war risk carriers liability to cargo insurance provided to U.S. air carriers having agreements with the Department of State, will constitute the basis of any contract between him and the United States of America.

Applicant ----------
By ----------
(Name and Title)

Date ----------

Schedule of Aircraft

To be attached to FAA Form 2000-6.1 (12-67)

Make, model, and configuration (passenger, cargo, or convertible)	*FAA identification No. or equivalent*	*Limits of liability desired for each aircraft*

APPENDIX F—STANDARD FORMS OF WAR RISK CARRIERS LIABILITY TO CARGO INSURANCE INTERIM BINDERS, NAMED IN § 198.305

The standard form Interim Binders prescribed under § 198.305 are as follows:

(a) *FAA Form 2000–7 (12–67) (supersedes UST Form No. WRI–7 (9–63)).*

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION

Interim Binder No. PR–CLWR

The United States of America, represented by the Federal Aviation Administrator, acting for the Secretary of Transportation, in consideration of the binding fee and premium provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Title XIII of the Federal Aviation Act of 1958, as amended, against Carriers Liability to Cargo War Risks only, subject to the conditions stated herein, on the aircraft described in the attached Schedule of Aircraft.

Name of Insured _____
Address _____
Loss, if any, payable to _____
_____

Limits of liability set forth in the Schedule of Aircraft attached to the Insured's application for premium war risk carriers liability to cargo insurance, a copy of which is attached hereto and made a part hereof, as representing the limits of liability insurance desired for each of such aircraft shall be the sums insured, but liability for any one accident shall not exceed $1 million.

Attaching in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics and the United States of America), at and from 24 hours from midnight G.M.T. of the day on which such outbreak of war occurs. Nevertheless, should the aircraft:

(1) Be in the air when such outbreak of war occurs, or

(2) Being at an airport depart therefrom as a measure of safety in respect to an insured peril within 24 hours of such outbreak of war,

this insurance shall not attach until midnight G.M.T. of the day on which the aircraft lands wherever such landing may be regardless of whether or not accidental damage has been sustained by the aircraft.

This binder shall terminate:

(a) Upon expiration of the authority of the Secretary of Transportation to provide War Risk Insurance under Title XIII of the Federal Aviation Act of 1958, as amended, or

(b) Three years from its date, or

(c) Five days after telegraphic notice of cancellation has been dispatched to the Insured by the Federal Aviation Administrator, or

(d) Upon the issuance of a policy by the Federal Aviation Administrator with respect to any insurance bound herein which is covered by that policy, whichever shall occur first.

The insurance provided hereunder does not cover any war risks on property (cargo) transported exclusively in air commerce within the several States of the United States and the District of Columbia.

There shall be deemed to be incorporated herein all of the terms, conditions, and warranties contained in the applicable war risk carriers liability to cargo insurance policies prescribed by the Federal Aviation Administrator pursuant to the provisions of § 198.306 of the regulations of the Federal Aviation Administrator (14 CFR Part 198).

The premium rate for this insurance shall be subject to review and revision by the Federal Aviation Administrator each calendar month. Unless the revised premium rate is accepted in writing by the Insured within ten days after dispatch of notice of the amount thereof, the insurance provided hereunder shall automatically terminate at the end of such ten day period. Premium at the new revised rate shall be charged for the ten day period during which this insurance remained in force, unless the Federal Aviation Administrator receives notice within such period of the refusal of the Insured to accept such new revised premium rate, in which event premium at the new revised rate shall be charged for that portion of the ten day period prior to receipt of such notice. Upon receipts of such notice of nonacceptance, the insurance provided hereunder shall terminate, notwithstanding any other provision for cancellation in this binder. In the event this insurance is cancelled, or otherwise terminated, and not replaced by a policy, there shall be a premium charge hereunder for the period during which this insurance has been in force. Premium payments shall be made to the Federal Aviation Administrator by check payable to the order of the Treasurer of the United States of America.

In the event of any loss covered by this binder, prompt notice thereof shall be given by the Insured to the Federal Aviation Administrator, but failure to give such prompt notice because of wartime conditions or regulations shall not prejudice this insurance.

The Insurer shall be subrogated to all rights which the Insured may have against any other person or entity in respect of any payment made under this binder to the extent of such payment, and the Insured shall, upon the request of the Insurer, execute all documents necessary to secure such rights to the Insurer.

Warranted that during the period of this binder and the term of any insurance attaching hereunder the aircraft is (1) an American aircraft as defined in section 1301(a), Title XIII of the Federal Aviation Act of 1958, as amended, or (2) a foreign-flag aircraft engaged in aircraft operations deemed by the Federal Aviation Administrator to be in the interest of the national defense or the national economy of the United States, and if, at any time during the binder period or after insurance attaches hereunder, the aircraft shall cease to come within either (1) or (2) above, or ceases to be operated by the Insured, this binder and insurance provided hereunder shall automatically terminate at the time of such change with respect to such aircraft, without return of premium unless the Federal Aviation Administrator agrees otherwise.

UNITED STATES OF AMERICA
BY FEDERAL AVIATION ADMINISTRATOR, ACTING FOR THE SECRETARY OF TRANSPORTATION.

_____
(Federal Aviation Administrator)

Date _____

(b) *FAA Form 2000–7.1 (12–67) (supersedes UST Form No. WRI 7–A (9–63)).*

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION

Interim Binder No. NON–PR–CLWR

The United States of America, represented by the Federal Aviation Administrator, acting for the Secretary of Transportation, in consideration of the agreement of the Secretary of State to indemnify the Secretary of Transportation against all losses covered by war risk insurance provided, without premium, for U.S. air carriers having agreements with the Department of State for the continuation of regularly scheduled service or the provision of charter service, and in consideration of the binding fee provided for herein hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Title XIII of the Federal Aviation Act of 1958, as amended, against Carriers Liability to Cargo War Risks only, subject to the conditions stated herein, on the aircraft described in the attached Schedule of Aircraft to be operated by the Insured under Department of State contract(s) No. _____, dated _____

Name of Insured _____
Address _____
Loss, if any, payable to _____

Limits of liability set forth in the Schedule of Aircraft attached to the Insured's application for war risk carriers liability to cargo insurance, without premium, a copy of which is attached hereto and made a part hereof, as representing the limits of liability insurance desired for each of such aircraft shall be the sums insured, but liability for any one accident shall not exceed $1 million.

Attaching while the aircraft described in the schedule are being operated by the Insured under its Department of State contract(s) No. _____, dated _____

This binder shall terminate:

(a) Upon expiration of the authority of the Secretary of Transportation to provide War Risk Insurance under Title XIII of the Federal Aviation Act of 1958, as amended, or

(b) Three years from its date, or

(c) Upon expiration or cancellation of the Insured's agreement(s) with the Department of State dated _____, or

(d) Five days after telegraphic notice of cancellation has been dispatched to the Insured by the Federal Aviation Administrator, or

(e) Upon the issuance of a policy by the Federal Aviation Administrator with respect to any insurance bound herein which is covered by that policy,

whichever shall occur first.

The insurance provided hereunder does not cover any war risks on property (cargo) transported exclusively in air commerce within the several States of the United States and the District of Columbia.

There shall be deemed to be incorporated herein all of the terms, conditions, and warranties contained in the applicable war risk carriers liability to cargo insurance policies prescribed by the Federal Aviation Administrator pursuant to the provisions of §198.306 of the regulations of the Federal Aviation Administrator (14 CFR Part 198).

In the event of any loss covered by this binder, prompt notice thereof shall be given by the Insured to the Federal Aviation Administrator, but failure to give such prompt notice because of wartime conditions or regulations shall not prejudice this insurance. The Insurer shall be subrogated to all rights which the Insured may have against any other person or entity in respect to any payment made under this binder to the extent of such payment, and the Insured shall, upon the request of the Insurer, execute all documents necessary to secure such rights to the Insurer.

Warranted that during the period of this binder and the term of any insurance attaching hereunder the aircraft is an American aircraft as defined in section 1301(a), Title XIII of the Federal Aviation Act of 1960, as amended, and if, at any time during the binder period or after insurance attaches hereunder the aircraft shall cease to be an American aircraft as so defined, or ceases to be under the agreement with the Department of State, this binder and insurance provided hereunder shall automatically terminate at the time of such change with respect to such aircraft without return of binding fee unless

the Federal Aviation Administrator agrees otherwise.

UNITED STATES OF AMERICA
By FEDERAL AVIATION ADMINISTRATOR, ACTING FOR THE SECRETARY OF TRANSPORTATION.

(Federal Aviation Administrator)

Date ----------

NOTE: The reporting and/or recordkeeping contained herein have been exempted from clearance by the Bureau of the Budget.

[F.R. Doc. 67-14918; Filed, Dec. 27, 1967; 8:45 a.m.]

Chapter XV—Office of the Under Secretary of Commerce for Transportation, Department of Commerce

PART 1501—WAR RISK INSURANCE

CROSS REFERENCE: For a document superseding Part 1501 of Chapter XV of Title 14, see F.R. Doc. 67-14918, Part 198, Chapter I of this title, *supra*.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 300—RULES AND REGULATIONS UNDER THE WOOL PRODUCTS LABELING ACT OF 1939

Imported Wool Products

On September 12, 1966, a notice of proposed rulemaking was issued by the Federal Trade Commission. Such notice was published in the FEDERAL REGISTER on September 15, 1966. The notice stated that on October 26, 1966, the Commission would hold a public hearing and give consideration to a proposal to amend the rules and regulations under the Wool Products Labeling Act of 1939 to provide a procedure for testing imported wool products and for determination of whether such products comply with the Wool Products Labeling Act of 1939 and the rules and regulations thereunder.

The notice of proposed rule making provided that views, arguments or other pertinent data could be submitted in writing on or before the date of the hearing or presented orally at the hearing and that further written views, arguments and data could be submitted for 20 days after such public hearing.

A draft of the proposed rule designated as proposed § 300.36 (Rule 36) of the rules and regulations under the Wool Products Labeling Act of 1939 was made a part of the notice of proposed rule making.

Pursuant to such notice interested parties were afforded an opportunity to submit the written arguments and other data until October 26, 1966. Interested parties were afforded an opportunity to present their views orally at the public hearing held pursuant to the notice of proposed rule making on October 26 and October 27, 1966. Further written views, arguments and data were received for 20 days after the public hearing. All views, arguments, and data presented pursuant to the notice of proposed rule making were made a part of the public record.

Interested parties were also afforded an opportunity to confer informally with representatives of the staff of the Commission's Bureau of Textiles and Furs whenever such a request was made and to present their views informally either orally or in writing.

After due consideration of the proposed amendment and all pertinent information and material relating thereto available to the Commission, including suggested revisions, deletions, and additions thereto, and all views, arguments, or other data submitted, the Commission on June 21, 1967, amended the rules and regulations under the Wool Products Labeling Act of 1939 by adding a new section thereto designated as § 300.36 (Rule 36) of Part 300, rules and regulations under the Wool Products Labeling Act of 1939. Such amendment was published in the FEDERAL REGISTER on June 24, 1967, and provided that interested persons might submit their comments within 30 days after publication, but specified that this should not affect the effective date unless the Commission should so order. The effective date was specified as 120 days after publication in the FEDERAL REGISTER.

In accordance with the aforesaid notice, the Commission afforded interested parties further opportunity to submit written comments for thirty (30) days after publication of the notice in the FEDERAL REGISTER. All views, arguments, and data so submitted have been made a part of the public record.

After due consideration of all pertinent information and material available to it including comments and views presented both formally and informally after publication of the amendment on June 24, 1967, the Commission determined to defer the effective date of the rule and to revise § 300.36 (Rule 36). By notice issued on October 18, 1967, and published in the FEDERAL REGISTER on October 21, 1967, the Commission deferred the effective date of § 300.36 (Rule 36) pending further order of the Commission. On October 30, 1967, the Commission issued a proposed revision of § 300.36 (Rule 36) which was published in the FEDERAL REGISTER on November 2, 1967. Written views, arguments, and other pertinent data were received by the Commission for fifteen (15) days after publication of the proposed revision in the FEDERAL REGISTER as provided in the notice. Such written views, arguments, and data have been made a part of the public record and have been fully considered by the Commission.

After consideration of the proposed amendment of § 300.36 (Rule 36) of the rules and regulations under the Wool Products Labeling Act of 1939 and of the entire record in the matter including suggested changes, additions to, deletions from, and modifications of the proposed amendments, § 300.36 (Rule 36) of Part 300, the rules and regulations under the Wool Products Labeling Act of 1939 is amended to read as follows:

§ 300.36 Imported wool products.

(a) *Filing of notice of entry.* Any person who imports wool products into the United States that are subject to a requirement for formal entry through Customs shall file with the Bureau of Customs, at the time of entry for consumption or at the time of entry or withdrawal for consumption from warehouse, a form (Form 36A) in quadruplicate, in the manner prescribed by the Federal Trade Commission showing (1) the proposed type of entry of the shipment (consumption, warehouse, etc.), (2) the port of entry of the shipment, (3) the country of origin of the shipment, (4) a complete description of the products contained in the shipment and the cost thereof per unit in American dollars, (5) the information contained in the required fiber content labels affixed to wool products contained in the shipment, (6) the names and addresses of (i) the exporter, (ii) the manufacturer, (iii) the importer of record, and (iv) the actual importer of the wool products, and (7) the signature of the person filing such form. The original and two copies of Form 36A will be forwarded by the Bureau of Customs to the Bureau of Textiles and Furs, Federal Trade Commission, Washington, D.C. 20580, one copy being retained by the Bureau of Customs.

(b) *Temporary retention in customs.* Wool products subject to this section will be temporarily retained in Customs custody and not released to the importer until the Commission has issued a notice of release: *Provided, however,* That such wool products may be released from Customs custody prior to receipt of the required notice of release upon the giving of a bond, such as an immediate delivery and consumption entry bond, in a form acceptable to the Commissioner of Customs conditioned upon the redelivery to Customs custody of the goods or any part thereof, upon demand by an officer of the Bureau of Customs based upon the determination of the Commission not to issue a notice of release.

(c) *Notice of release.* The Commission will issue a notice of release in one of the following ways: (1) A preentry notice of release may be obtained in appropriate cases where the requirements of paragraph (d) of this section are met by the importer. (2) At ports of entry where a Commission inspector is on duty, he will, upon examination of the Form 36A, either issue a notice of release or inform the importer that certification or testing as provided in paragraph (e) of this section is required. Failure to make such determination within 3 working days after Form 36A is filed at such a port of entry shall be equivalent to the issuance of a notice of release. (3) At ports of entry where no Commission inspector is on duty, a determination whether to issue a notice of release or to require certification or testing will be made within 3 working days after the

Commission receives the Form 36A. Failure of the Commission to make any determination within this period shall be equivalent to issuance of a notice of release. (4) If certification or testing is required, a notice of release will be issued by the Commission when and if the requirements of paragraph (e) of this section are satisfied.

(d) *Preentry notice of release.* The Commission will, at the request of an importer and upon a proper showing, issue a notice of release prior to entry into the United States of any shipment of wool products. Requests for preentry release shall be accompanied by such information or data, including manufacturers' records, laboratory analyses, foreign government certifications, and certifications of government designated trade associations or other bodies, as will show no reason to believe that they may be misbranded. The Commission will also consider as relevant a statement that such products are of the same type, category, and fiber content and from the same manufacturer as products that were previously released by the Commission if such statement is accompanied by a copy of the original notice of release. Requests for preentry notice of release shall be filed as early as possible, but in no case less than 7 working days prior to the entry of any shipment. Prior to entry, the Commission will either (1) issue a notice of release, (2) inform the importer that it will require certification and testing of such shipment, or (3) inform the importer that the information submitted is insufficient to support a determination.

(e) *Certification or testing.* (1) Where the Commission has reason to believe that any wool products subject to this section may be misbranded, it may determine not to issue a notice of release but to require that such wool products be held for certification or testing. In such a case, at the option of the Commission, the Commisison may (i) accept a certification as to the fiber content of such products based on a test method and sampling procedure approved by the Commission and submitted by a laboratory included in the Commission's list of approved testing laboratories, or (ii) require that it be furnished with samples of the wool products extracted by a person designated by the Commission, which the Commission will test or have tested at the expense of the importer. Upon acceptance of a proper certification or test results showing the products to be correctly labeled, the Commission will immediately issue a notice of release.

(2) If the certification or test results show the goods to be misbranded, the Commission will not issue a notice of release until after the goods have been correctly relabeled. If the certification or test results demonstrate that there are such wide variations in the fiber content of individual wool products as to preclude a determination of fiber content on the basis of random sampling, the Commission will not issue a notice of release until after it has determined, upon consultation with the importer, the manner in which such goods should be relabeled, and such goods have been relabeled in conformity with that determination. Relabeling will be done at the expense of the importer, and the Commission will issue a notice of release immediately upon the receipt of satisfactory evidence from the importer showing that the goods have been correctly relabeled.

(f) *Forfeiture of bond.* Upon determination by the Commission that a notice of release will not be issued and where such wool products have been released to an importer under a bond described in paragraph (b) of this section, demand for their redelivery will be made. The failure of the importer to redeliver wool products to Customs custody, after demand therefor, shall subject such importer to payment of liquidated damages as provided for in the bond referred to in paragraph (b) of this section.

(g) *Examination and testing after release.* Any notice given by the Commission as to the manner of labeling imported wool products or any notice of release of wool products given under this section shall be without prejudice to the right of the Commission to subsequently examine and test additional wool products contained in any shipment of imported wool products which has been subject to the procedure provided by this section or to make inspections or investigations relative to such products. The Commission will not proceed against any party for misbranding of wool products which have been subject to the testing procedures provided by this section without notice to such party and affording such party an opportunity to take such effective action as the Commission may deem appropriate to cause any misbranded products to be properly labeled: *Provided, however,* That such party must be able to establish that the wool products have been subject to the testing procedures provided by this section.

STATEMENT OF BASIS AND PURPOSE

Section 300.36 (Rule 36) of the rules and regulations under the Wool Products Labeling Act of 1939 is promulgated on the basis of the Commission's determination that such regulation is the most practical and equitable means of achieving substantial equality in the administration of the Wool Products Labeling Act of 1939 as applicable to domestic products and imported products and to assure that the ultimate consumer receives the same degree of protection with respect to both types of products.

Domestic manufacturers of wool products are required to keep extensive and detailed manufacturing records disclosing the fiber content of products manufactured by them, and are subject to penalties for failure to maintain such records. In many instances such records are records which would not ordinarily be kept in the regular course of business and are maintained at substantial expense to meet the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder. Many domestic manufacturers also utilize fiber content testing performed at their own expense to substantiate their manufacturing records and to determine the fiber content of end products manufactured or sold by them.

Domestic manufacturers and dealers are also subject to inspections at their places of business by investigators of the Commission's Bureau of Textiles and Furs.

Foreign manufacturers and producers are not subject to the aforesaid requirements and are not subject to the jurisdiction of the Federal Trade Commission. Therefore, the Commission has found it necessary to develop a different program intended to achieve substantial equality in enforcement as between domestically produced products and imported products and designed to offer substantially equal protection to the public with reference to all types of wool products.

With respect to imported wool products, Commission enforcement efforts must necessarily be directed at other than the manufacturing level. Since the Commission has no authority to require record-keeping by foreign producers as to the accuracy of labeling, or to impose sanctions upon them in cases of misbranding, it therefore looks primarily to their customers, American importers, for compliance with the statute. The documentary information submitted by these importers on the form which they are required to file (Form 36A) and the documentary information they may file in requesting preentry release, as set forth in paragraph (d) of Rule 36, shall be considered confidential information under § 4.10 of the Commission's rules of practice, 32 F.R. 8442 (1967), and subject to the requirements of § 4.11 of those rules.

The testing or certification procedures of Rule 36 are not intended to be applicable to products which are not indicated to be subject to widespread misbranding. The rule provides for the testing or certification by an approved laboratory of wool imports prior to their entry into American channels of commerce in only those instances, hopefully infrequent, where, for the purpose of facilitating effective administration and enforcement of the Act, it is in the public interest to require such testing or certification before the imports move into the stream of domestic commerce.

The rule contemplates a cooperative endeavor between importers and the Government. If, upon testing or certification, products are found to be correctly labeled, the rule provides for their immediate release. If, however, they are found to be misbranded, the importer will be given the opportunity to relabel the products in accordance with the requirements of American law and, upon proper relabeling, the goods will immediately be released. In situations where imported wool products, initially tested or certified and released by the Commission, are subsequently found to be misbranded, the Commission will not proceed against any party without notice where such party is able to show that the goods were subject to this procedure, but will afford reasonable opportunity for fully corrective action to be taken.

It is the understanding of the Commission that the immediate delivery and consumption entry bond referred to in paragraph (e) of § 300.36 (Rule 36) is at present furnished by importers under standard importation procedures and that goods ordinarily move into the hands of the importer under this bond. It is the intention of the Commission to continue to permit goods to pass through Customs and into the hands of the importer subject to the terms and conditions of the bond and § 300.36 (Rule 36) even in those instances where goods are required to be tested.

Where testing or certification is required, it is the intention of the Commission to utilize applicable methods of testing and procedures developed, prescribed, and published by the American Society for Testing and Materials and the American Association of Textile Chemists and Colorists. These methods and procedures have been utilized by producers of and dealers in textile products and by Government agencies, including the Commission, in determining the fiber content of textiles, and are recognized methods of testing textile materials.

Every effort has been made to minimize delays. At those points of entry where a sufficiently large number of wool imports arrive, the Commission will place inspectors on duty so that they may determine upon arrival whether to release a shipment or require its testing or certification. As to shipments arriving at points of entry where the Commission does not have an inspector on duty, paragraph (c) provides that unless the Commission orders testing and certification within 3 working days after receipt of the necessary forms, such goods will be automatically released. Further, the Commission may issue a notice of release prior to importation of any shipment where it is able to determine, on the basis of information submitted, that such shipment should not be retained for purposes of testing. If testing is utilized it is the hope of the Commission that sampling, testing and certification will be completed within a week or 10 days after Form 36A is filed with the Bureau of Customs.

Authority. Such action is taken pursuant to the authority given to the Federal Trade Commission under paragraph (a) of section 6 of the Wool Products Labeling Act of 1939 (54 Stat. 1131; 15 U.S.C. 68d) which provides in part:

> The Commission is authorized and directed to make rules and regulations for the manner and form of disclosing information required by this Act, and for segregation of such information for different portions of a wool product as may be necessary to avoid deception or confusion, and to make such further rules and regulations under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement.
>
> The Commission is also authorized to cause inspections, analyses, tests, and examination to be made of any wool products subject to this Act; and to cooperate with any department or agency of the Government, with any State, Territory, or possession, or with the District of Columbia; or with any department, agency, or political subdivision thereof; or with any person.

Effective date. Section 300.36 (Rule 36), as amended, shall become effective on February 12, 1968.

Issued: December 22, 1967.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-14971; Filed, Dec. 27, 1967; 8:45 a.m.]

Title 25—INDIANS

Chapter III—Indian Claims Commission

PART 500—STANDARDS OF CONDUCT

Sec.

500.735-101 Purpose.
500.735-102 Definitions.
500.735-103 Proscribed actions.
500.735-104 Gifts, entertainment, and favors.
500.735-105 Outside employment; off-job activity.
500.735-106 Financial interests.
500.735-107 Use of government property.
500.735-108 Misuse of information.
500.735-109 Indebtedness.
500.735-110 Gambling, betting, and lotteries.
500.735-111 Prejudicial conduct.
500.735-112 Counseling and interpretations.
500.735-113 Miscellaneous statutory provisions.
500.735-114 Disciplinary action.
500.735-115 Conduct of special government employees.
500.735-116 Statements of outside employment and financial interests; format.
500.735-117 Same; employees included.
500.735-118 Same; contested inclusion.
500.735-119 Same; original and supplementary statements; when required.
500.735-120 Same; relatives' interests and information known to others.
500.735-121 Same; information prohibited.
500.735-122 Same; confidentiality of statements.
500.735-123 Same; effect on other requirements.
500.735-124 Statements of outside employment and financial interests; special government employees.
500.735-125 Statements of outside employment and financial interests; review.

Appendix A.

AUTHORITY: The provisions of this Part 500 issued under E.O. 11222 of May 8, 1965 (30 F.R. 6469), and Part 735 of Title 5, Code of Federal Regulations.

SOURCE: The provisions of this Part 500 appear at 32 F.R. 20855.

§ 500.735-101 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of Government employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, this part sets forth the Commission's regulations covering its employees and special Government employees, prescribing standards of conduct and responsibilities, and governing statements reporting employment and financial interests.

§ 500.735-102 Definitions.

(a) "Commission" means the Indian Claims Commission.

(b) "Employee" means any Commissioner of the Indian Claims Commission, including the Chairman, and any individual employed by the Commission other than a Special Government Employee.

(c) "Executive Order" means Executive Order No. 11222 of May 8, 1965.

(d) "Special Government Employee" has the meaning given that term by section 202 of Title 18, United States Code.

§ 500.735-103 Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by this part, which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

§ 500.735-104 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (e) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission;

(2) Conducts operations or activities over which the Commission exercised or may exercise jurisdiction; or

(3) Has interests that may be substantially affected by action or inaction of the Commission or any employee thereof.

(b) Excepted from the proscriptions contained in § 500.735-104(a) are:

(1) Gifts motivated by obvious family or personal relationships;

(2) Food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon, dinner meeting, or other meeting, where an employee may properly be in attendance;

(3) Acceptance of loans from banks or other financial institutions on prevailing terms to finance proper and usual activities of employees, such as home mortgage loans; and

[1] Dissenting statements of Commissioner Elman filed as part of original document.

(4) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(d) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(e) Neither this section nor § 500.735–105 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under Commission orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General dated March 7, 1967.

§ 500.735–105 Outside employment; off-job activity.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive Order, or this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Commission gives written authorization for use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of the Executive order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his Commission, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) An employee shall not engage in outside employment under a State or local government, except in accordance with Part 734 of Title 5, Code of Federal Regulations.

(e) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not proscribed by law;

(2) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational public service, or civic organization; or

(3) Outside employment permitted under this part.

§ 500.735–106 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order, or this part.

§ 500.735–107 Use of government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 500.735–108 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 500.735–105(c), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 500.735–109 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Commission determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Commission to determine the validity or amount of the disputed debt.

§ 500.735–110 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities under section 3 of Executive Order No. 10927 of March 18, 1961, and similar Commission-approved activities.

§ 500.735–111 Prejudicial conduct.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 500.735–112 Counseling and interpretations.

(a) The Chairman of the Commission shall, from time to time, designate an employee in whom he has complete personal confidence to be the counselor for the Commission and to serve as the Commission's designee to the Civil Service Commission on matters covered by this Part 500. The counselor shall be responsible for coordination of the Commission's counseling services provided under paragraph (b) of this section and for assuring that counseling and interpretations on questions of conflicts of interest and other matters covered by this Part 500 are available to deputy counselors designated under paragraph (b) of this section.

(b) The Chairman of the Commission shall also designate one or more deputy counselors, as required, for the Commission's employees and Special Government Employees. Deputy counselors designated under this section shall be qualified and in a position to give authoritative advice and guidance to each employee and Special Government Employee who seeks advice and guidance on questions of conflicts of interest and on other matters covered by this Part 500.

(c) Notification to existing employees and Special Government Employees of the Commission of the availability of such counseling services, including how and where available, shall be made by delivery of glossed copies of this Part 500 to each employee or Special Government Employee within 90 days after approval of this Part 500. Notification to employees and Special Government Employees who enter on duty after 90 days after approval of this Part 500 shall be made by delivery of glossed copies of this Part 500 when such employee or Special

Government Employee reports for his first work day.

§ 500.735–113 Miscellaneous statutory provisions.

Each employee shall acquaint himself with each statute or portion thereof that relates to his ethical and other conduct as an employee of the Commission and of the Government. The attention of all employees is directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service".

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to employees of the Commission.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311; 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798; 50 U.S.C. 783) and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641), (2) failing to account for public money (18 U.S.C. 643), and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibitions against political activities in subchapter III of Chapter 73 of Title 5, United States Code, and in 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(r) The prohibition against any Commissioner of the Commission engaging in other business during his term of office or representing any Indian tribe, band, or group within two years after termination of his term of office (25 U.S.C. 70b(c)).

§ 500.735–114 Disciplinary action.

(a) Any violation of the regulations contained in this Part 500 or the Miscellaneous Statutory Provisions incorporated therein by reference may be cause for appropriate disciplinary action. Such disciplinary action may be in addition to any penalty prescribed by law.

(b) In the event that the violation is a conflict of interest or an apparent conflict of interest and the Commission concludes that remedial action is required, immediate action shall be taken to end the conflict or appearance of conflict of interest.

(c) Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or Special Government Employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

(d) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive Orders, and regulations.

§ 500.735–115 Conduct of special government employees.

(a) Special Government Employees shall adhere to the standards of conduct made applicable to employees by the Commission's regulations contained in §§ 500.735–103, 500.735–104, and 500.735–106 through 500.735–112.

(b) A Special Government Employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(c) A Special Government Employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this subsection, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(d) Special Government Employees may teach, lecture, or write in a manner not inconsistent with § 500.735–105(c).

(e) A Special Government Employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(f) Except as provided in § 500.735–115(d), a Special Government Employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with this Commission anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(g) Excepted from the "gift, gratuity, loan, entertainment, or favor" categories of § 500.735–115(f) are the items detailed in §§ 500.735–104(b)(1) through 500.735–104(b)(4).

(h) Each Special Government Employee shall acquaint himself with each statute that relates to his ethical and other conduct as a Special Government Employee of the Commission and of the Government. The Commission will alert each Special Government Employee to the regulations contained in this Part 500 and such statutes as relate to the ethical and other conduct of Special Government Employees by making available to such Special Government Employees glossed copies of this Part 500.

§ 500.735–116 Statements of outside employment and financial interests; format.

Statements of outside employment and financial interests required of certain employees and Special Government Employees by § 500.735–117 shall contain the information required by the formats prescribed by the Civil Service Commission in the Federal Personnel Manual at the times such statements are due.

§ 500.735–117 Same; employees included.

Statements of outside employment and financial interest shall be filed by all employees of the Commission classified at GS–13 and above, who:

(a) Fill positions designated by the Commission as "Hearing Officers" or any equivalent term under section 18 of the Indian Claims Commission Act of 1946 (25 U.S.C. 70q); or

(b) Fill positions designated by the Civil Service Commission as "Hearing Examiners" under section 3105 of Title 5, United States Code, for determination of Indians' claims in accordance with the procedure set out in section 556 of Title 5, United States Code; or

(c) Issue initial decisions on Indians' claims without prior clearance of such initial decisions by one or more of the Commissioners of this Commission.

§ 500.735–118 Same; contested inclusion.

If any employee required to file a statement of outside employment and financial interest under § 500.735–117 complains or contends that his inclusion is improper, resolution of that complaint or contention shall be accomplished by review through the Commission's grievance procedure.

§ 500.735–119 Same; original and supplementary statements; when required.

An employee required to file a statement of outside employment and financial interest under § 500.735–117 shall submit that statement to the Chairman of the Commission not later than:

(a) Ninety days after the effective date of this Part 500 if employed on or before that effective date; or

(b) Thirty days after his entrance on duty, but not earlier than 90 days after the effective date, if appointed after that effective date.

(c) Annual supplementary statements, due on June 30 of each year, shall report:

(1) Changes in or additions to the information contained in an employee's statement of outside employment or financial interest; or

(2) That no changes or additions have occurred.

Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of Title 18, United States Code, or of §§ 500.735–103 through 500.735–111 and § 500.735–113.

§ 500.735–120 Same; relatives' interests and information known to others.

If an employee is required to file a statement of outside employment and financial interest under §§ 500.735–116 and 500.735–117:

(a) The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this subsection, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

(b) If any information required to be included on a statement of outside employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 500.735–121 Same; information prohibited.

An employee required to file a statement or annual supplement of outside employment and financial interest under §§ 500.735–116 and 500.735–117 shall not be required to include therein any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this subsection, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of outside employment and financial interests.

§ 500.735–122 Same; confidentiality of statements.

The Commission will hold each statement of outside employment and financial interest, and supplementary statements, in confidence. To that end, only the Chairman of the Commission, to whom such statements are to be submitted, and the remaining Commissioners if there is a possibility of disciplinary action under § 500.735–114, shall be permitted to examine such statements. The Chairman shall maintain exclusive custody of the statements and supplements in confidence and shall not allow access to, or allow information to be disclosed from, a statement or supplement except to carry out the purpose of this Part 500. The Commission shall not disclose information from a statement or supplement except as the Chairman or the Civil Service Commission may determine for good cause shown.

§ 500.735–123 Same; effect on other requirements.

The statements of outside employment and financial interest and supplementary statements required to certain employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 500.735–124 Statements of outside employment and financial interests; special government employees.

(a) Each Special Government Employee shall submit a statement which reports:

(1) All other concurrent employment; and

(2) Such categories of financial interests as the Chairman may determine are relevant in the light of the duties such Special Government Employee is to perform.

(b) The Chairman may waive the requirement in paragraph (a)(2) of this section if:

(1) The Special Government Employee is not a consultant or an expert; and

(2) The Commission finds that the duties of the position held by that Special Government Employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government.

(c) For the purpose of this § 500.735–124, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

(d) A statement of employment and financial interests required to be submitted under this section shall be submitted not later than the time of employment of the Special Government Employee as provided in the Commission's regulations. Each Special Government Employee shall keep his statement current throughout his employment with the Commission by the submission of supplementary statements as changes, additions, or deletions become necessary.

§ 500.735–125 Statements of outside employment and financial interest; review.

(a) The required initial and supplementary statements of outside employment and financial interest shall be reviewed by the recipient designated by § 500.735–119. Review by that designee will be made at his convenience to determine whether there is any apparent conflict of interest on the part of the reporting employee or Special Government Employee.

(b) The recipient designated by § 500.735–119 will also initially review any information from sources other than an initial or supplementary report tending to suggest a conflict of interest.

(c) In the event that the designee concludes that no conflict of interest exists, the employee shall be so notified and the subject closed.

(d) In the event that the designee concludes that a conflict of interest may exist, he shall confer with the employee concerned. If an accord is reached, the Commission need take no further action. If no accord is reached, the Commission in the form of a majority of the Commissioners will determine what disciplinary or remedial action, if any, may be warranted and will execute the same.

(e) At every stage of review, the affected employee or Special Government Employee will be afforded the opportunity to explain the conflict or appearance of conflict.

These amendments were approved by the Civil Service Commission on December 19, 1967, and are effective on publication in the FEDERAL REGISTER.

J. WARREN MILLS III,
Staff Counselor.

[F.R. Doc. 67–15059; Filed, Dec. 27, 1967; 8:49 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 70—EXAMINATION AND COPYING OF LABOR DEPARTMENT DOCUMENTS

Procedure for Disclosure

Pursuant to authority in 5 U.S.C. 301, 552, 559 and in Reorganization Plan No. 6 of 1950 (3 CFR 1949—53 Comp., p. 1004) Part 70 of Title 29 of the Code of Federal Regulations is amended by revising § 70.4(a) to read as set out below.

As the change made by this document relates solely to a rule of agency procedure or practice, and is not substantive, neither notice of proposed rule making, public participation therein, nor delay in effective date is required by 5 U.S.C. 553. I do not believe such participation or such delay would serve a useful purpose here. This amendment shall, therefore, be effective immediately.

In § 70.4, paragraph (a) is revised to read as follows:

§ 70.4 Procedure for disclosure.

(a) *Request.* Any person who desires to exercise the right to inspect or copy any document as provided in § 70.2(a) shall make a written request to the administration, bureau, or office of the Department of Labor which has custody of the document he desires to inspect or copy. The request shall be directed to the chief of the administration, bureau, or office unless the document is in the custody of one of its field offices. If the document is in the custody of a field office, the request shall be directed to the chief of the regional office (or, if there are no regional offices, the chief of the highest field office) which has custody of the document or supervisory authority over the field office which has such custody. The administrations, bureaus, and offices referred to are: Office of the Secretary of Labor; Office of the Solicitor; Office of Information, Publications and Reports; Office of Federal Contract Compliance (EEO); Office of the Plans for Progress; Labor-Management Services Administration; Manpower Administration; Wage and Labor Standards Administration; Wage and Hour and Public Contracts Divisions; Bureau of International Labor Affairs; Bureau of Labor Statistics. For this purpose only, the Chief of the Office of the Secretary shall be considered to be the Assistant Secretary for Administration, and the Chief of the Office of the Solicitor shall be considered to be the Deputy Solicitor. The organization of the Department of Labor, its principal officers, and addresses of its regional and other field offices are found in the "U.S. Government Organization Manual," published annually by the Office of the Federal Register, and available for purchase from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The request shall identify the document with the symbols provided for it in the index referred to in § 70.5, unless the request is by mail or the document is not referred to in such index, in which case the request shall identify the document as fully as is possible by reference to subject matter, date, author, addressee, and otherwise so as to permit its convenient selection from among the many documents likely also to be in the possession and custody of the officer to whom the request is directed.

* * * * *

(5 U.S.C. 301, 552, 559. Reorganization Plan No. 6 of 1950, 3 CFR 1949–53 Comp. 1004)

Signed at Washington, D.C., this 21st day of December 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-15003; Filed, Dec. 27, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Miscellaneous Amendments

Order. 1. The amendments to Parts 0 and 1 set forth below are editorial in nature:

Changes in §§ 0.93, 0.121, 0.184, 0.401, and 1.912 reflect changes in the addresses of Commission offices.

Changes in §§ 0.114, 0.311, and 1.61 reflect a change in the name of the Federal Aviation Agency to Federal Aviation Administration.

The note preceding Subpart A of Part 1 has been relocated following § 1.61.

The change in § 0.211 reflects the Commission's public information rules (32 F.R. 10568, July 19, 1967), by which the Executive Director rather than the Chairman was authorized to act on requests or demands for the inspection of records. See §§ 0.461 and 0.463.

Changes in §§ 0.261, 0.289, 0.314, 0.315, 0.385, 1.202, 1.526, and 1.570 correct erroneous or confusing cross-references.

Changes in §§ 0.422 and 1.412 reflect a change in the name of the Office of Reports and Information to Office of Information.

The change in the note to § 1.573 reflects the Fourth Report and Order (FCC 64-919) in Docket No. 14185, which disposed of certain matters to which the note relates.

2. Authority for the attached amendments is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d), and 303(r). Because the amendments relate to internal Commission organization and procedure and because they are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

In view of the foregoing: *It is ordered*, Effective December 29, 1967, that Parts 0 and 1 of the rules and regulations are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303).

Adopted: December 20, 1967.

Released: December 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Parts 0 and 1 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. Section 0.93 is revised to read as follows:

§ 0.93 Field offices.

Common Carrier Bureau field offices are located at 90 Church Street, New York, N.Y. 10007; and Room 1016, 208 North Broadway, St. Louis, Mo. 63102.

§ 0.114 [Amended]

2. In § 0.114 the term "Federal Aviation Agency" is redesignated "Federal Aviation Administration."

3. In § 0.121, the first two columns in the table in paragraph (a), and paragraphs (b), (c), (d), and (e), are revised to read as follows:

§ 0.121 Location of field offices and monitoring stations.

(a) * * *

Radio district	Address of engineer in charge	* * *
1	1600 Customhouse, Boston, Mass. 02109.	* * *
2	748 Federal Bldg., 641 Washington St., New York, N.Y. 10014.	* * *
3	1005 New U.S. Customhouse, Philadelphia, Pa. 19106.	* * *
4	Room 415, U.S. Customhouse, Gay and Water Sts., Baltimore, Md. 21202.	* * *
5	Room 405, Federal Bldg., Norfolk, Va. 23510.	* * *
6	2010 Atlanta Merchandise Mart, 240 Peachtree St., Atlanta, Ga. 30303.	* * *
	Suboffice: Post Office Box 77, Room 238, Post Office Bldg., Savannah, Ga. 31402.	* * *
7	Room 919, 51 Southwest First Ave., Miami, Fla. 33130.	* * *
8	829 Federal Office Bldg., 600 South St., New Orleans, La. 70130.	* * *
	Suboffice: 439 U.S. Courthouse and Customhouse, Mobile, Ala. 36602.	* * *
9	New Federal Office Bldg., 515 Rusk Ave., Room 5636, Houston, Tex. 77002.	* * *
	Suboffice: 239 Federal Bldg., 300 Willow St., Beaumont, Tex. 77701.	* * *
10	1314 Wood St., Room 707, Dallas, Tex. 75202.	* * *
11	849 South Broadway, Los Angeles, Calif. 90014.	* * *
	Suboffice: Fox Theatre Bldg., 1245 Seventh Ave., San Diego, Calif. 92101.	* * *
12	323-A Customhouse, 555 Battery St., San Francisco, Calif. 94111.	* * *
13	441 U.S. Courthouse, 620 Southwest Main St., Portland, Oreg. 97205.	* * *
14	806 Federal Office Bldg, First Ave. and Marion, Seattle, Wash. 98104.	* * *
15	504 New Customhouse, Denver, Colo. 80202.	* * *
16	208 Federal Courts Bldg., Sixth and Market Sts., St. Paul, Minn. 55102.	* * *
17	1703 Federal Bldg., 601 East 12th St., Kansas City, Mo. 64106.	* * *
18	1872 New U.S. Courthouse and Federal Office Bldg., 219 South Dearborn St., Chicago, Ill. 60604.	* * *
19	1029 New Federal Bldg., Detroit, Mich. 48226.	* * *
20	328 Federal Bldg., Buffalo, N.Y. 14203	* * *
21	502 Federal Bldg., Post Office Box 1021, Honolulu, Hawaii 96808.	* * *
22	Post Office Box 2987, 322-323 Federal Bldg., San Juan, P.R. 00903.	* * *
23	Post Office Box 644, Room 53, U.S. Post Office and Courthouse Bldg., Anchorage, Alaska 99501.	* * *
24	Room 216, 1919 M St. NW., Washington, D.C. 20554.	* * *

(b) The Marine Offices are located at the following addresses:

Federal Communications Commission, 738 Federal Office Building, 500 Zack Street, Tampa, Fla. 33602.

Federal Communications Commission, Post Office Box 3009, Terminal Island, 300 South Ferry Street, Room 2525, San Pedro, Calif. 90731.

(c) The Class A monitoring stations are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, Post Office Box 89, Allegan, Mich. 49010.

Federal Communications Commission, Anchorage Monitoring Station, Post Office Box 6303 Annex, Anchorage, Alaska 99502.

Federal Communications Commission, Canandiagqua Monitoring Station, Post Office Box 374, Canandaigua, N.Y. 14424.

Federal Communications Commission, Fort Lauderdale Monitoring Station, Post Office 22836, Fort Lauderdale, Fla. 33315.

Federal Communications Commission, Grand Island Monitoring Station, Post Office Box 788, Grand Island, Nebr. 68801.

Federal Communications Commission, Kingsville Monitoring Station, Post Office Box 632, Kingsville, Tex. 78363.

Federal Communications Commission, Laurel Monitoring Station, Post Office Box 40, Laurel, Md. 20810.

Federal Communications Commission, Livermore Monitoring Station, Post Office Box 311, Livermore, Calif. 96551.

Federal Communications Commission, Powder Springs Monitoring Station, Post Office Box 85, Powder Springs, Ga. 30073.

Federal Communications Commission, Santa Ana Monitoring Station, Post Office Box 5126, Santa Ana, Calif. 92704.

Federal Communications Commission, Waipahu Monitoring Station, Post Office Box 1035, Waipahu, Hawaii 96797.

(d) The Class B monitoring stations are located at the following addresses:

Federal Communications Commission, Ambrose Monitoring Station, Post Office Box 1126, Denison, Tex. 75020.

Federal Communications Commission, Chillicothe Monitoring Station, Post Office Box 251, Chillicothe, Ohio 45601.

Federal Communications Commission, Douglas Monitoring Station, Post Office Box 6, Douglas, Ariz. 85607.

Federal Communications Commission, Spokane Monitoring Station, Post Office Box 191, Spokane, Wash. 99210.

(e) The Class C monitoring stations are located at the following addresses:

Federal Communications Commission, Marietta Monitoring Station, Post Office Box 339, Bellingham, Wash. 98225.

Federal Communications Commission, Wahiawa Monitoring Station, Post Office Box 529, Wahiawa, Hawaii 96786.

Federal Communications Commission, Winter Harbor Monitoring Station, Post Office Box 64, Prospect Harbor, Maine 04669.

Federal Communications Commission, Imperial Beach Monitoring Station, Post Office Box 1087, Imperial Beach, Calif. 92032.

Federal Communications Commission, Post Office Box 181, Sabana Seca, P.R. 00749.

* * * * *

4. In § 0.184, the headnote is revised, and paragraph (c) is amended in part to correct addresses of the Regional Liaison Officers for OCD/OEP Regions 3, 5, 6, and 7, to read as follows:

§ 0.184 Regional Liaison Officers of the Office of Executive Director, Emergency Communications Division.

* * * * *

(c) * * *

OCD/OEP Region	Address of the FCC Regional Liaison Officer	* * *
* * *	* * *	* * *
3	OCD Region Three, Thomasville, Ga. 31792.	* * *
* * *	* * *	* * *
5	OCD Region Five, Denton Federal Center, Denton, Tex. 76201.	* * *
6	OCD Region Six, Denver Federal Center, Bldg. 50, Denver, Colo. 80225.	* * *
7	OCD Region Seven, Post Office Box 1300, Santa Rosa, Calif. 95403.	* * *
* * *	* * *	* * *

* * * * *

§ 0.211 [Amended]

5. In § 0.211, paragraph (e) is deleted.

§ 0.261 [Amended]

6. In § 0.261(b), the reference to "§ 0.445" is deleted and a reference to "§ 0.485" is added in lieu thereof.

7. Section 0.289(b) is revised to read as follows:

§ 0.289 Authority delegated.

* * * * *

(b) All minutes of actions taken by the Chief of the CATV Task Force pursuant to the authority delegated in this section shall be maintained for public inspection by the CATV Task Force. The authorizations issued by the Task Force in accordance with its assigned functions and delegations of authority shall bear the seal of the Commission and the signature of the Secretary.

* * * * *

8. Section 0.311(a)(9) is revised to read as follows:

§ 0.311 Authority delegated to the Chief and to the Deputy Chief of the Field Engineering Bureau.

(a) * * *

(9) To act on requests by holders of a pilot certificate issued by the Civil Aeronautics Administration, the Federal Aviation Agency or the Federal Aviation Administration for a waiver of the U.S. citizenship requirement under section 303(1) of the Communications Act of 1934, as amended.

* * * * *

9. Section 0.314(e) is revised to read as follows:

§ 0.314 Authority delegated to the Engineers in Charge.

* * * * *

(e) For periodic survey as required by section 385 of the Communications Act of 1934, as amended, and issuance of Communications Act radiotelephony certificates in accordance with § 83.512 of this chapter.

* * * * *

10. Section 0.315(b) is revised to read as follows:

§ 0.315 Authority delegated to Engineers in Charge who serve as FCC representatives to Office of Civil Defense (OCD) Regional Civil Defense Coordinating Boards and Regional Preparedness Committees of the Office of Emergency Planning (OEP).

* * * * *

(b) Engineers in Charge of Field Engineering Bureau district offices at Boston, Mass.; Baltimore, Md.; Atlanta, Ga.; Detroit, Mich.; Dallas, Tex.; Denver, Colo.; San Francisco, Calif.; and Seattle, Wash., are designated as the alternate FCC representatives to the Regional Civil Defense Coordinating Boards. (FCC Regional Liaison Officers of the Emergency Communications Division are designated as the principal representatives to the Regional Civil Defense Coordinating Boards.)

* * * * *

11. Section 0.385(a) is revised to read as follows:

§ 0.385 FCC representatives assigned to Regional Preparedness Committees of the Office of Emergency Planning during a wartime emergency period.

* * * * *

(a) *When communication is available to higher authority within the FCC.* When instructions can be obtained from higher authority within the FCC, the authority of FCC representatives assigned to Regional Preparedness Committees shall comprise that delegated to the Engineers in Charge in nonemergency periods under § 0.314. Action under this delegation must be consistent with any defense rules that supersede rules for normal conditions, wartime plans and emergency orders that may be adopted by the Commission, emergency legislation, Executive orders, and any pertinent actions of other Government agencies taken pursuant to authority delegated to them under section 606 of the Communications Act of 1934, as amended.

* * * * *

12. Section 0.401(a) is revised to read as follows:

§ 0.401 Location of Commission offices.

(a) The main offices of the Commission are located at 1919 M Street NW., Washington, D.C.

(1) Documents submitted by mail to those offices should be addressed to:

Federal Communications Commission, Washington, D.C. 20554.

(2) Hand-carried applications accompanied by a filing fee should be delivered to:

Mail and Files Division, Office of Executive Director, 1919 M Street NW., Washington, D.C.

(3) Other hand-carried documents should be delivered to:

Office of the Secretary, 1919 M Street NW., Washington, D.C.

* * * * *

§ 0.422 [Amended]

13. In § 0.422, the staff unit, "Office of Reports and Information," is redesignated "Office of Information."

§ 1.61 [Amended]

14. The note preceding Subpart A of Part 1 is deleted from its present position and added at the end of § 1.61; and, in § 1.61 (c), (e), and (f) the term "Federal Aviation Agency" is redesignated "Federal Aviation Administration."

15. Section 1.202 is revised to read as follows:

§ 1.202 Official reporter; transcript.

The Commission will designate from time to time an official reporter for the recording and transcribing of hearing proceedings. The transcript of the testimony taken, or argument had, at any hearing will not be furnished by the Commission, but will be open to inspection under § 0.453(a)(1) of this chapter. Copies of such transcript, if desired, may be obtained from the official reporter upon payment of the charges therefor.

§ 1.412 [Amended]

16. In § 1.412(a)(1), the staff unit, "Office of Reports and Information," is redesignated "Office of Information."

§ 1.526 [Amended]

17. In subparagraphs (1), (2), and (3) of § 1.526(a), the references to "§ 0.417" are deleted and references to "§§ 0.451–0.461" are added in lieu thereof.

18. In the notes following § 1.570 (b)(3), Note 2 is revised to read as follows:

§ 1.570 Standard broadcast applications involving other North American countries.

* * * * *

(b) * * *

NOTE 2: For the purpose of this section, an application is not regarded as inconsistent with the provisions of NARBA if it is for Class IV facilities operating with more than 250 watts but no more than 1 kw power, to be located in those portions of the United States where such facilities are not precluded under note 1 to § 73.21(c) of this chapter, and where such facilities would not cause objectionable interference (under the standards set forth in NARBA) to a duly notified station in any other NARBA signatory country or in Haiti.

* * * * *

19. The note following § 1.573 is revised to read as follows:

§ 1.573 Processing of FM and noncommercial educational FM broadcast applications.

* * * * *

NOTE: During further consideration of the matters and issues in Docket No. 14185 (pertaining to the revision of the FM broadcast rules), applications for noncommercial educational FM broadcast authorizations will be subject to the following procedures, notwithstanding any provision of the FM Broadcast rules or of this section to the contrary:

(a) *Noncommercial educational stations.* With respect to grant and (after Aug. 8, 1962) acceptance of applications for construction permits for new or changed facilities on the channels reserved in § 73.501 of this chapter for educational use, the following restrictions will apply:

(1) Applications for facilities on channels 218, 219, and 220 must meet the following criteria:

(i) The facilities requested must not exceed the maximum facilities specified in § 73.211 of this chapter (as amended July 25, 1963, effective Sept. 11, 1963) for Class B or Class C commercial stations, depending on the zone in which the requested facilities would be located.

(ii) The requested facilities must be located, with respect to any assignment on FM Channels 221, 222, and 223 specified in the table of assignments in § 73.202 of this chapter at no less than the minimum mileage separations specified for stations of their class in §§ 73.207 and 73.504 of this chapter.

(iii) Where the application is for change in transmitter site, the move must not shorten the separation between the station and other cochannel and adjacent-channel stations, if the result would be a spacing less than that specified in § 73.207 of this chapter (as amended July 25, 1963, effective Sept. 11, 1963).

(2) No application for facilities on any channel specified in § 73.501 of this chapter will be granted or accepted if the facilities requested would cause objectionable interference within the 1 mv/m contour of any cochannel or adjacent-channel station, or receive interference within the proposed 1 mv/m contour. The following standards shall be used to determine the existence of objectionable interference:

(i) The distance to the 1 mv/m contour shall be determined by use of Figure 1 of § 73.333 of this chapter (as amended July 25, 1962, effective Sept. 10, 1962).

(ii) The distance to the applicable interference contour shall be determined by the F(50, 10) curve published with the Commission's Order, FCC 61–1447, adopted December 6, 1961, setting forth the interim procedure for processing FM applications.

(iii) Objectionable interference will be considered to exist where, on the basis of the curves referred to in this subparagraph, the undesired signal of a cochannel signal exceeds one-half of the desired signal, the undesired signal of a station 20 kc/s removed exceeds one-half of the desired signal, the undesired signal of a station 400 kc/s removed exceeds 10 times the desired signal, or the undesired signal of a station 600 kc/s removed exceeds 100 times the desired signal.

(3) Directional antennas: No application for construction permit for a new station, change in channel, or change in existing facilities on the same channel will be granted or accepted for filing where it proposes a directional antenna with a maximum-to-minimum ratio of more than 15 db.

(b) *Maximum and minimum facilities for stations on noncommercial channels.* No provisions of these rules as to minimum facilities shall apply to noncommercial educational stations operating on the channels specified in § 73.501 of this chapter, or to grant or acceptance of applications by any existing station for increase in facilities on its present channel; and no provisions as to maximum facilities shall apply to noncommercial educational stations on Channels 201 to 217, inclusive, set forth in § 73.501 of this chapter.

20. In § 1.912 paragraph (e) is revised to read as follows:

§ 1.912 Where applications are to be filed.

* * * * *

(e) All other applications shall be filed with the Commission's offices in Washington as follows:

(1) Applications submitted by mail shall be addressed to:

Federal Communications Commission, Washington, D.C. 20554.

(2) Hand-carried applications accompanied by fees shall be delivered to:

Mail and Files Division, Office of Executive Director, 1919 M Street NW., Washington, D.C.

(3) Hand-carried applications not accompanied by fees shall be delivered to:

Office of the Secretary, 1919 M Street NW., Washington, D.C.

[F.R. Doc. 67–15019; Filed, Dec. 27, 1967; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 948, Amdt. 8]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of December 1967.

Upon further consideration of Service Order No. 948 (29 F.R. 564, 5757, 18426; 30 F.R. 8269, 16005; 31 F.R. 8872, 16151; 32 F.R. 9230), and good cause appearing therefor:

It is ordered, That:

Section 1033.948 *Service Order No. 948* (The Chicago, Rock Island and Pacific Railroad Co. authorized to operate over trackage of Union Pacific Railroad, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This order shall expire at 11:59 p.m., June 30, 1968, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1967.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–15036; Filed, Dec. 27, 1967; 8:48 a.m.]

[S.O. 950, Amdt. 7]

PART 1033—CAR SERVICE

Chicago, Burlington & Quincy Railroad Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of December 1967.

Upon further consideration of Service Order No. 950 (29 F.R. 565, 5757, 18427; 30 F.R. 8163, 16006; 31 F.R. 16152; 32 F.R. 3231), and good cause appearing therefor:

It is ordered, That:

Section 1033.950 *Service Order No. 950* (Chicago, Burlington & Quincy Railroad authorized to operate over trackage of Union Pacific Railroad), be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This order shall expire at 11:59 p.m., March 31, 1968, unless otherwise modified, changed, or suspended by the order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1967.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–15037; Filed, Dec. 27, 1967; 8:48 a.m.]

[S.O. 992, Amdt. 1]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Trackage of Great Northern Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of December 1967.

Upon further consideration of Service Order No. 992 (32 F.R. 8037) and good cause appearing therefor:

It is ordered, That:

Section 1033.992 *Service Order No. 992* (Union Pacific Railroad Company authorized to operate over trackage of Great Northern Railway Co.), be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date: This order shall expire at 11:59 p.m., March 31, 1968, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1967.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–15035; Filed, Dec. 27, 1967; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; recreation; for the individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Travel by motor vehicle, bicycle, or on foot is permitted on designated routes unless prohibited by posting, for the purpose of nature study, photography, hiking, and sightseeing, during daylight hours. Pets are permitted if on a leash not over 10 feet in length. Outdoor lunches are permitted in designated areas where lunch facilities are provided. Under special regulations, fishing is permitted in tidal waters from boats only. Public hunting under special regulations may be permitted on parts of the refuge.

The refuge area, comprising 16,280 acres, is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1968.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 18, 1967.

[F.R. Doc. 67–15004; Filed, Dec. 27, 1967; 8:45 a.m.]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Great Swamp National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations: recreation; for the individual wildlife refuge areas.

NEW JERSEY

GREAT SWAMP NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated routes unless prohibited by posting, for the purpose of nature study, photography, hiking, and sightseeing, during daylight hours. Pets are allowed if on a leash not over 10 feet in length.

The refuge area, comprising 4,008 acres, is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1968.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries & Wildlife.

DECEMBER 18, 1967.

[F.R. Doc. 67–15005; Filed, Dec. 27, 1967; 8:45 a.m.]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations: recreation; for the individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes, for the purpose of nature study, photog-

raphy, hiking, and sightseeing, during daylight hours. Pets are permitted if on a leash not over 10 feet in length. Fishing and hunting may be permitted on parts of the refuge under special regulations.

The refuge area, comprising 10,783 acres, is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1968.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 18, 1967.

[F.R. Doc. 67-15006; Filed, Dec. 27, 1967; 8:45 a.m.]

PART 33—SPORT FISHING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulation: sport fishing, for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Iroquois National Wildlife Refuge, Basom, N.Y., is permitted on the areas designated by signs as open to fishing. These open areas, comprising 26 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The use of boats with motors is not permitted.

(2) The use of boats after October 15th is not permitted.

The provisions of this special regulation supplement the regulations governing fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1968.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 18, 1967.

[F.R. Doc. 67-15007; Filed, Dec. 27, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FLORIDA ORANGES, TANGELOS, GRAPEFRUIT, AND TANGERINES

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the amendment of U.S. Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140–51.1179) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Notice is hereby given that the U.S. Department of Agriculture is considering the amendment of U.S. Standards for Grades of Florida Grapefruit (7 CFR 51.750–51.783) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Notice is hereby given that the U.S. Department of Agriculture is considering the amendment of U.S. Standards for Grades of Florida Tangerines (7 CFR 51.1810–51.1834) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with these proposals should file the same in duplicate, not later than January 30, 1968, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public inspection during official hours of business (paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed amendment of these grade standards. For many years the destination tolerance for decay in the U.S. Grade Standards for Florida Oranges and Tangelos, Grapefruit, and Tangerines has been 3 percent and this tolerance has been accepted over the years by the trade. The Standards published in the FEDERAL REGISTER on September 27, 1967, and which became effective October 15, 1967, failed to adequately reflect this decay tolerance. The statistical approach system is recognized as being better than one which provides for a constant tolerance. It has been established that not holding to a constant percent is more equitable to both seller and buyer.

In converting the percent tolerance to acceptance numbers based on statistical sampling, it was not possible to hold to a constant percent, such as 3 percent. However, this proposal would change the acceptance numbers for decay in Table II, "En Route or at Destination," to more nearly reflect the long established 3 percent destination tolerance than does the current standard.

As proposed to be amended, § 51.1152 *Table II*, in the U.S. Standards for Grades of Florida Oranges and Tangelos, the acceptance numbers for decay are as follows:

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL [1]	Number of 50-count samples [2]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [2] (maximum permitted)																			
Decay	All	4	3	4	6	7	9	10	11	13	14	15	16	18	19	20	21	23	24	25	26	27

As proposed to be amended, § 51.761 *Table II*, in the U.S. Standards for Grades of Florida Grapefruit, the acceptance numbers for decay are as follows:

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL [1]	Number of 33-count samples [2]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [2] (maximum permitted)																			
Decay	All	3	2	3	4	5	6	7	8	9	10	11	12	13	[4]13	14	15	16	17	18	[4]18	19

As proposed to be amended, § 51.1818 *Table II*, in the U.S. Standards for Grades of Florida Tangerines, the acceptance numbers for decay are as follows:

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL [1]	Number of 50-count samples [2]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [2] (maximum permitted)																			
Decay	All	4	3	4	6	7	9	10	11	13	14	15	16	18	19	20	21	23	24	25	26	27

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: December 21, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-15000; Filed, Dec. 27, 1967; 8:45 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 255]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Notice of Proposed Rule Making

The Federal Highway Administration is considering amending § 255.21 of Part 255, Federal Motor Vehicle Safety Standards, by adding new standards and by amending certain of the Initial Federal Motor Vehicle Safety Standards issued January 31, 1967.

The new standards under consideration are:

Head Restraints—Passenger Cars.
Headlamp Concealment Devices—Passenger Cars, Multipurpose Passenger Vehicles, Trucks, Buses, and Motorcycles.
Hood Latch Systems—Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses.
Theft Protection—Passenger Cars.
Vehicle Identification Number—Passenger Cars.
Impact Protection for Occupants from Interior Compartment Doors—Passenger Cars.
Exterior Protrusions—Passenger Cars, Multipurpose Passenger Vehicles, Trucks, Buses, Trailers, and Motorcycles.
Windshield Mounting—Passenger Cars.

The amendments under consideration would amend Standard No. 103, "Windshield Defrosting and Defogging—Passenger Cars and Multipurpose Passenger Vehicles;" Standard No. 104, "Windshield Wiping and Washing Systems—Passenger Cars;" and Standard No. 206, "Door Latches and Door Hinge Systems—Passenger Cars." The proposal to amend Standard No. 103 supersedes the notice of proposed rule making published in the FEDERAL REGISTER February 3, 1967 (32 F.R. 2418) [Docket No. 9; Notice No. 67–3].

In drafting these proposed standards and amendments, the Administration considered the comments received in response to the advance notices of proposed rule making published in the FEDERAL REGISTER on February 3, 1967 (32 F.R. 2417), and on October 14, 1967 (32 F.R. 14278), and those received in technical conferences held with interested persons on September 7, November 14, December 13, and December 14, 1967, and consulted with the National Motor Vehicle Safety Advisory Council.

Interested persons are invited to participate in the making of the standards and amendments by submitting written data, views, or arguments. Comments should contain supporting statements and data to justify all conclusions and recommendations. Comments must identify the individual docket number and be submitted in 10 copies to the National Highway Safety Bureau, Attention: Rules Docket, Room 512, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591. All comments received on or before the close of business January 26, 1968, will be considered by the Administrator before taking action upon the proposed standards and amendments. The proposals contained in this notice may be changed if warranted by comments received. All comments will be available in the Rules Docket for examination by interested persons both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend § 255.21 of Part 255, Federal Motor Vehicle Safety Standards, as set forth below.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of March 31, 1967 (32 F.R. 5606), as amended April 6, 1967 (32 F.R. 6495), July 27, 1967 (32 F.R. 11276), and October 11, 1967 (32 F.R. 14277).

Issued in Washington, D.C., on December 22, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

1. Add the following new Federal Motor Vehicle Safety Standards:

[Docket No. 8]

HEAD RESTRAINTS—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies requirements for head restraints to reduce the frequency and severity of neck injury in rear end collisions.

S2. *Application.* This standard applies to passenger cars.

S3. *Definition.* "Head restraint" means a device that limits rearward angular displacement of the occupant's head relative to his torso line.

S4. *Requirments.*

S4.1 A head restraint shall be installed at each outboard front designated seating position that either—

(a) When tested in accordance with S5.1, during a forward acceleration of at least 8g on the seat supporting structure, limits rearward angular displacement of the head to 45° from the torso line; or

(b) When adjusted to its fully extended design position, conforms to each of the following:

(1) The top of the head restraint shall not be less than 27.5 inches above the seating reference point measured parallel to the torso line.

(2) The lateral width of the head restraint shall, 25 inches above the seating reference point measured parallel to the torso line, be not less than—

(i) 10 inches for use with bench-type seats; and

(ii) 6.75 inches for use with individual-type seats.

(3) When tested in accordance with S5.2, the rearmost portion of the head form shall not be displaced to more than 4 inches rearward of the torso line (measured perpendicular to the torso line) during the application of the load required by S5.2(b).

(4) When tested in accordance with S5.2, the head restraint shall not fail to withstand an increasing load until one of the following occurs—

(i) Failure of the seat or seat back; or

(ii) Application of a load of 200 pounds.

S5. *Demonstration procedures.*

S5.1 Compliance with S4.1(a) shall be demonstrated in accordance with the following:

(a) Establish reference lines on the head and torso of a test device having the weight and "H" point to top-of-head dimension of a 95th percentile adult male, and an approved representation of human, articulated neck structure.

(b) At each designated seating position having a head restraint, place the test device, snugly restrained by a Type 1 seat belt, with the head restraint adjusted to its fully extended position.

(c) During a forward peak acceleration of at least 8g on the seat supporting structure, measure the maximum rearward angular displacement between the torso reference line (extended) and the head reference line.

S5.2 Compliance with S4.1(b) shall be demonstrated in accordance with the following:

(a) Install the head restraint in the fully extended design position.

(b) Using a 6.5-inch diameter head form, apply a rearward initial load of 132 pounds to the head restraint perpendicular to the torso line at a point 25 inches above the seating reference point (measured parallel to the torso line).

(c) Gradually increase this initial load to 200 pounds or until the seat or seat back falls, whichever occurs first.

Anticipated effective date: January 1, 1969.

[Docket No. 1–16]

HEADLAMP CONCEALMENT DEVICES—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, AND MOTORCYCLES

S1. *Purpose and scope.* This standard specifies requirements for headlamp concealment devices to ensure that these devices, if installed, provide fail-safe operation.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles.

S3. *Definitions.*

"Headlamp concealment device" means a device with its operating system and components that provides concealment of the headlamps when they are not in use, including movable headlamp covers and headlamps that displace for concealment purposes.

"Power" means any power source utilized to operate the headlamp concealment device.

"Fully opened" means the position of the headlamp concealment device that provides a completely exposed headlamp without affecting the aim or light emission of the headlamp.

S4. *Requirements.*

S4.1 Each headlamp concealment device in the fully opened position shall, during vehicle operation, remain in the

fully opened position should any of the following occur:

(a) Sudden or gradual loss of power to or within the operating mechanism.

(b) Disconnection, open-circuiting, or malfunctioning in the wiring, tubing, hoses, solenoids, or other components that control or conduct power for operating the concealment device.

(c) Complete stoppage of or loss of power from the engine of the vehicle.

S4.2 In the event of loss of power, with the headlamp concealment device in the closed position, the device shall open by actuation of a switch or similar mechanism or be capable of being manually placed in the fully opened position and shall remain in this position until manually closed.

S4.3 Normal actuation of the headlamp concealment device and illumination of the headlamps shall be accomplished by means of a single switch or similar mechanism.

S4.4 Each headlamp concealment device shall be designed, constructed, and installed so that no component of the device, other than components of the headlamp assembly, need be removed when mounting, aiming, or adjusting the headlamps.

S4.5 If the headlamps are illuminated during the opening and closing of the headlamp concealment device, the headlamp beams shall not project to the left of or above the position of the beams in the fully opened position.

S4.6 Within an ambient temperature range of minus 20 to plus 120° F., each headlamp concealment device shall open to the fully opened position within 3 seconds after normal actuation of the switch or similar mechanism.

Anticipated effective date: January 1, 1969.

[Docket No. 1–17]

HOOD LATCH SYSTEMS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

S1. *Purpose and scope.* This standard specifies requirements for hood latch systems to reduce the possibility of an inadvertent hood opening that would impair the driver's normal forward view.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S3. *Requirements.*

S3.1 A primary hood latch system shall be provided.

S3.2 A secondary hood latch system shall be provided for each front opening hood that, when in any open position, impairs the driver's normal forward view.

Anticipated effective date: January 1, 1969.

[Docket No. 1–21]

THEFT PROTECTION—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies requirements for theft protection to reduce the incidence of unauthorized vehicle use.

S2. *Application.* This standard applies to passenger cars.

S3. *Requirements.* A key locking system shall be provided that, with the key removed, will prevent—

(a) Operation of the vehicle power plant; and

(b) Steering or mobility of the vehicle.

S3.1 There shall not be less than 1,000 key combinations for each manufacturer's key locking system.

S3.2 It shall not be possible to remove the key from the locking system without activating the deterrents required by S3.

S3.3 The deterrent required by S3.(b) shall not be activated when the key of the locking system is turned to the "off" position.

S3.4 A warning shall be provided to the driver that the key has been left in the locking system when the driver's door is opened.

Anticipated effective date: January 1, 1970.

[Docket No. 1–22]

VEHICLE IDENTIFICATION NUMBER—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies requirements for vehicle identification numbers to reduce the incidence and extent of unauthorized vehicle use.

S2. *Application.* This standard applies to passenger cars.

S3. *Definition.* "Vehicle identification number" means that number assigned to a vehicle by the manufacturer for identification purposes.

S4. *Requirements.* The vehicle identification number shall—

(a) Be sunk into or embossed from the permanent structure or body of the vehicle or on a separate plate permanently affixed to the permanent structure or body, but shall not be applied to the vehicle glazing;

(b) Be located inside the vehicle so that it is readable through the vehicle glazing by an observer from a position outside the vehicle adjacent to the left windshield pillar;

(c) Provide permanent legibility;

(d) Not be duplicated by any number assigned to another vehicle of the same manufacturer during any 10-year period; and

(e) Be so affixed that removal, replacement, or alternation of the number will show evidence of tampering.

Anticipated effective date: January 1, 1969.

[Docket No. 2–2]

IMPACT PROTECTION FOR OCCUPANTS FROM INTERIOR COMPARTMENT DOORS—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies requirements for interior compartment door assemblies to minimize the likelihood of injury to occupants during impact.

S2. *Application.* This standard applies to passenger cars.

S3. *Requirements.* Each interior compartment door assembly located in an instrument panel, console assembly, seat back, or side panel adjacent to a designated seating position shall remain closed when unlocked—

(a) During a front end longitudinal barrier collision test at not less than 30 miles per hour conducted in accordance with Society of Automotive Engineers Recommended Practice J850, "Barrier Collision Tests," February 1963, or approved equivalent;

(b) When the latch system is subjected to an inertia load of 30g in any horizontal or vertical direction in accordance with section 5 of SAE Recommended Practice J839b, "Passenger Car Side Door Latch Systems," May 1965, or an approved equivalent; and

(c) When tested in accordance with S3.1, or S3.2, as applicable, of Motor Vehicle Safety Standard No. 201 "Occupant Protection in Interior Impact," except compartment door assemblies located in a console assembly or side panel need not meet the requirements contained in this subparagraph (c).

Anticipated effective date: January 1, 1970.

[Docket No. 2–5]

EXTERIOR PROTRUSIONS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, TRAILERS, AND MOTORCYCLES

S1. *Purpose and scope.* This standard specifies requirements to limit ornamental exterior protrusions, decreasing the risk of personal injury to pedestrians and cyclists in the event of impact.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

S3. *Requirements.* No protrusion serving only a decorative or identification purpose may be mounted on any hood, fender, door, tail gate, rear quarter panel, or rear deck panel at a height above the ground of less than 75 inches, unless—

(a) It projects not more than ½ inch outward from the surrounding panel surface; or

(b) Upon application of a 10-pound force in all possible directions, it breaks away or deflects, leaving no residual protrusion projecting more than ½ inch from the surrounding panel surface.

Anticipated effective date: January 1, 1969.

[Docket No. 2–8]

WINDSHIELD MOUNTING—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies requirements for windshield mountings to retain the windshield during impact.

S2. *Application.* This standard applies to passenger cars.

S3. *Requirements.* When tested in accordance with S4., at least 75 percent of the periphery of the windshield shall be retained by the mounting.

S4. *Demonstration procedures.* A front end longitudinal barrier collision test shall be conducted at not less than 30 miles per hour in accordance with Society of Automotive Engineers Recommended Practice J850, "Barrier Collision Tests," February 1963.

Anticipated effective date: January 1, 1970.

2. Revise Motor Vehicle Safety Standard No. 103 to read as follows:

[Dockets Nos. 9, 1–12]

WINDSHIELD DEFROSTING AND DEFOGGING—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

S1. *Purpose and scope.* This standard specifies requirements for windshield defrosting and defogging systems.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses, manufactured for sale in the Continental United States.

S3. *Definitions.* "Road load" means the power output required to move a given motor vehicle at curb weight plus 400 pounds on level, clean, dry, smooth, Portland cement concrete pavement (or other surface with equivalent coefficient of surface friction) at a specified speed through still air at 68° F. and standard barometric pressure (29.92'' of Hg.), and includes driveline friction, rolling friction, and air resistance.

S4. *Requirements.*

S4.1 A windshield defrosting and defogging system shall be provided.

S4.2 Passenger cars shall have a windshield defrosting and defogging system that meets the requirements of section 3 of SAE Recommended Practice J902, "Passenger Car Windshield Defrosting Systems," August 1964, when tested in accordance with S4.3 except that the "critical area" specified in paragraph 3.1 of SAE J902 shall be that established as Area C and the "entire windshield" specified in paragraph 3.3 of SAE J902 shall be that established as Area A in accordance with Motor Vehicle Safety Standard No. 104, "Windshield Wiping and Washing Systems."

S4.3 *Demonstration procedures.* The passenger car windshield defrosting and defogging system shall be tested in accordance with the portions of section 4 of SAE Recommended Practice J902, August 1964, applicable to that system except that—

(a) For the first 5 minutes of the test, the engine speed or speeds may be that which the manufacturer recommends as the warm-up procedure for cold weather starting;

(b) For the remaining test period (or the complete test period if the 5-minute warm-up procedure is not used), either—

(i) The engine speed shall not exceed 1,500 r.p.m. in neutral gear; or

(ii) The engine speed and load shall not exceed that at 25 m.p.h. in the manufacturer's recommended gear with road load;

(c) A room air change of 90 times per hour is not required;

(d) The windshield wipers may be used during the test provided they are operated without manual assist;

(e) One or two windows may be opened a total of 1 inch;

(f) The defroster blower may be turned on at any time; and

(g) The maximum wind velocity shall not exceed 5 m.p.h.

Anticipated effective date: January 1, 1969.

3. Revise Motor Vehicle Safety Standard No. 104 to read as follows:

[Docket No. 7]

WINDSHIELD WIPING AND WASHING SYSTEMS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

S1. *Purpose and scope.* This standard specifies requirements for windshield wiping and washing systems.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S3. *Definitions.* In the following referenced SAE Standards and Recommended Practices, substitute the term "seating reference point" for "manikin H point" and "H point":

"95 percent eye range contour" means the 95th percentile tangential cutoff specified in Society of Automotive Engineers Recommended Practice J941, "Passenger Car Driver's Eye Range," November 1965.

"Glazing surface reference line" means the line resulting from the intersection of the glazing surface and a horizontal plane 25 inches above the seating reference point as shown in figure 1 of SAE Recommended Practice J903a, "Passenger Car Windshield Wiper Systems," May 1966.

"Plan view reference line" means—

(a) For vehicles with bench-type seats, a line parallel to the vehicle centerline outboard of the steering wheel centerline 0.15 times the difference between one-half of the shoulder room dimension and the steering wheel centerline-to-car centerline dimension as shown in figure 2 of SAE J903a; or

(b) For vehicles with individual-type seats, a line parallel to the vehicle centerline through the centerline of the driver's designated seating position.

"Shoulder room dimension" means the front shoulder room dimension "W3" as defined in section E, Ground Vehicle Practice, SAE Aerospace-Automotive Drawing Standards, September 1963.

"Overall width" means the maximum overall body width dimension "W116" as defined in section E, Ground Vehicle Practice, SAE Aerospace-Automotive Drawing Standards, September 1963.

"Daylight opening" means the maximum unobstructed opening through the glazing surface as defined in 2.3.12 of section E, Ground Vehicle Practice, SAE Aerospace-Automotive Drawing Standards, September 1963.

S4. *Requirements.*

S4.1 *Windshield wiping system.* A power-driven windshield wiping system shall be provided that meets the requirements of S4.1.1.

S4.1.1 *Frequency.*

S4.1.1.1 At least two frequencies or speeds shall be provided.

S4.1.1.2 One frequency shall be at least 45 cycles per minute regardless of engine load.

S4.1.1.3 The high and low frequencies shall have a differential of at least 15 cycles per minute.

S4.1.2 *Wiped area.* When tested wet in accordance with SAE J903a, May 1966, each passenger car windshield wiping system shall wipe the percentage of the windshield specified in column 2 (of the applicable table) of the area (determined in accordance with S4.1.2.1) specified in column 1 that is within the area bounded by a perimeter line on the glazed surface 1 inch from the edge of the daylight opening.

S4.1.2.1 Established areas A, B, and C, as shown in figures 1 and 2 of SAE J903a, May 1966, using the angles specified in columns 3 through 6 in the following table I, II, III, or IV, as applicable.

Anticipated effective date: January 1, 1969.

TABLE I—PASSENGER CARS OF LESS THAN 60 INCHES IN OVERALL WIDTH

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Area	Minimum percent to be wiped	Angles in degrees			
		Left	Right	Up	Down
A	80	16	49	7	5
B	94	13	46	4	3
C	99	7	15	3	1

TABLE II—PASSENGER CARS OF 60 OR MORE BUT LESS THAN 64 INCHES IN OVERALL WIDTH

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Area	Minimum percent to be wiped	Angles in degrees			
		Left	Right	Up	Down
A	80	17	51	8	5
B	94	13	49	4	3
C	99	7	15	3	1

TABLE III—PASSENGER CARS OF 64 OR MORE BUT LESS THAN 68 INCHES IN OVERALL WIDTH

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Area	Minimum percent to be wiped	Angles in degrees			
		Left	Right	Up	Down
A	80	17	53	9	5
B	94	14	51	5	3
C	99	8	15	4	1

TABLE IV—PASSENGER CARS OF 68 OR MORE INCHES IN OVERALL WIDTH

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Area	Minimum percent to be wiped	Angles in degrees			
		Left	Right	Up	Down
A	80	18	56	10	5
B	94	14	53	5	3
C	99	10	15	5	1

S4.2 *Windshield washing system.* A windshield washing system shall be provided that meets the requirements of SAE Recommended Practice J942, "Passenger Car Windshield Washer Systems," November 1965.

Anticipated effective date: January 1, 1969.

4. Revise Motor Vehicle Safety Standard No. 206 to read as follows:

[Docket No. 7]

DOOR LATCHES, HINGES, AND LOCKS—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies load requirements for door latch and hinge systems and lock requirements to minimize the likelihood of occupants being thrown from the vehicle as a result of impact.

S2. *Application.* This standard applies to passenger cars.

S3. *Requirements.* Side doors that can be used for occupant egress shall conform with this standard.

S3.1 *Door latches.* Each door latch and striker assembly shall be provided with two positions consisting of—

(a) A fully latched position; and

(b) A secondary latched position.

S3.1.1 *Longitudinal load.* The door latch and striker assembly shall withstand a longitudinal load of 2,500 pounds in the fully latched position and 1,000 pounds in the secondary latched position.

S3.1.2 *Transverse load.* The door latch and striker assembly of hinged doors shall withstand a transverse load of 2,000 pounds in the fully latched position and 1,000 pounds in the secondary latched position.

S3.1.3 *Inertia load.* The door latch shall not move from the fully latched position when a longitudinal or transverse inertia load of 30g is applied to the door latch system (including the latch and its actuating mechanism).

S3.2 *Door hinges.* Each door hinge system shall support the door and withstand a longitudinal load of 2,500 pounds and a transverse load of 2,000 pounds.

S3.3 *Door locks.* Each door shall be equipped with a locking mechanism with an operating means in the interior of the vehicle. The mechanism, when engaged, shall prevent opening of each rear door latch by operation of the inside or outside door latch release control, and shall prevent opening of each front door by operation of the outside latch release control.

S4. *Demonstration procedures.*

S4.1 *Door latches.* Door latches shall be tested in accordance with Society of Automotive Engineers Recommended Practice J839, "Passenger Car Side Door Latch Systems," May 1965.

S4.1.1 *Inertia load.* Compliance with paragraph S3.1.3 shall be demonstrated by approved tests or in accordance with section 5 of SAE Recommended Practice J839b, May 1965.

S4.2. *Door hinges.* Door hinges shall be tested in accordance with SAE Recommended Practice J934, "Vehicle Passenger Door Hinge System," July 1965.

Anticipated date: January 1, 1969.

5. Revise Motor Vehicle Safety Standard No. 206 to read as follows:

[Docket No. 2-16]

DOORS, LATCHES, HINGES, AND LOCKS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, AND TRUCKS

S1. *Purpose and scope.* This standard specifies load requirements for doors, latches, hinges, and locks to minimize the likelihood of occupants being thrown from the vehicle as a result of impact.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, and trucks.

S3. *Definitions.* "Temporary door" means a door applied to a vehicle designed for use without doors.

S4. *Requirements.* Except for temporary, folding, and rollup doors, side doors that are laterally adjacent to a designated seating position and can be used for occupant egress shall conform with this standard.

S4.1 *Hinged doors.*

S4.1.1 *Door latches.* Each door latch and striker assembly shall be provided with two positions consisting of—

(a) A fully latched position; and

(b) A secondary latched position.

S4.1.1.1 *Longitudinal load.* The door latch and striker assembly shall withstand a longitudinal load of 2,500 pounds in the fully latched position and 1,000 pounds in the secondary latched position.

S4.1.1.2 *Transverse load.* The door latch and striker assembly shall withstand a transverse load of 2,000 pounds in the fully latched position and 1,000 pounds in the secondary latched position.

S4.1.1.3 *Inertia load.* The door latch shall not move from the fully latched position when a longitudinal or transverse inertia load of 30g is applied to the door latch system (including the latch and its actuating mechanism).

S4.1.2 *Hinges.* Each door hinge system shall support the door and withstand a longitudinal load of 2,500 pounds and an ultimate transverse load of 2,000 pounds.

S4.1.3 *Locks.* Each door shall be equipped with a locking mechanism with an operating means in the interior of the vehicle. The mechanism, when engaged, shall prevent opening of each rear door latch by operation of the inside or outside door latch release control, and shall prevent opening of each front door by operation of the outside latch release control.

S4.2 *Sliding doors.* Each sliding door shall withstand a transverse load of 4,000 pounds when the door is in the fully latched position.

S5. *Demonstration procedures.*

S5.1 *Hinged doors.*

S5.1.1 *Latches.* Compliance with S4.1.1.1 and S4.1.1.2 shall be demonstrated in accordance with Section 4 of Society of Automotive Engineers Recommended Practice J839b, "Passenger Car Side Door Latch Systems," May 1965.

S5.1.1.1 *Inertia load.* Compliance with S4.1.1.3 shall be demonstrated by approved tests or in accordance with Section 5 of SAE Recommended Practice J839b, May 1965.

S5.1.2 *Hinges.* Compliance with S4.1.2 shall be demonstrated in accordance with SAE Recommended Practice J934, "Vehicle Passenger Door Hinge System," July 1965, or approved tests.

S5.2 *Sliding doors.* Compliance with S4.2 shall be demonstrated by applying an outward transverse load to the door uniformly distributed over a vertical 6-inch wide band extending from the center of the lower edge of the window aperture to the level of the seating reference point.

Anticipated effective date: January 1, 1970.

[F.R. Doc. 67-15063; Filed, Dec. 22, 1967; 4:35 p.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 25, 26, 95]

RESTRICTED DATA

Notice of Proposed Rule Making

The Atomic Energy Commission is considering a new Part 26, "Dissemination of and Access to Private Restricted Data," designed to formalize procedures for the control of Restricted Data developed independently of the Government. "Restricted Data" is defined by statute to include all data concerning the design, manufacture, or utilization of atomic weapons, the production of special nuclear material, or the use of special nuclear material in the production of energy, except data which has been specifically declassified by the Commission. Notice is also being given of proposed related amendments to Parts 25, "Permits for Access to Restricted Data", and 95, "Safeguarding of Restricted Data".

The Atomic Energy Act directs that the development, use, and control of atomic energy shall at all times be subject to "the paramount objective of making the maximum contribution to the common defense and security." The Commission is accordingly proposing Part 26 to provide a mechanism for controlling the dissemination of information relating to extremely sensitive developments. It should be noted that the statutory definition of Restricted Data comprehends much information not within the categories described in Part 26. The identification of certain categories of particularly sensitive information as Private Restricted Data is not intended to imply that other privately developed Restricted Data not so identified has been declassified or if not declassified, that it can be communicated to unauthorized persons. Also, a statement that any item is or could be used in a device or facility in any of the categories in the Appendix to Part 26 could reveal Restricted Data. Persons undertaking research and development in areas which may generate information within this definition are encouraged to consult the Commission's "Guide to the Unclassified Fields of Research," or to seek a determination from the Commission as to whether their work involves Restricted Data.

At this time classified data in the four categories identified in Part 26 require special controls in the national interest. If new developments in technology make it advisable, new categories may be added to Part 26, and the controls to which existing categories are subject may be altered.

The effort to control the spread of nuclear weapons has been a major concern

of many agencies of this and other governments for many years. Part 26 represents a continuation of this effort; unless there are controls on the dissemination of classified information concerning atomic weapons, and concerning centrifuges and gaseous diffusion plants (which can be used for the production of the special nuclear material used in weapons), the efficacy of all nonproliferation efforts is seriously weakened. In this light, the question of whether the data are developed for private commercial purposes or pursuant to a Government contract is irrelevant—it is the content of the data which necessitates the control.

It is obviously extremely important to the national security to minimize the number of people who have access to classified data relating to atomic weapons. Since classified gas centrifuge technology offers greater potential for clandestine operation than other methods of producing special nuclear materials useful in weapons, it poses potentially extremely serious challenges to the effectiveness of safeguards against the clandestine production of weapons. Thus, § 26.27(a) indicates no dissemination permits will be issued in these two categories except for the purpose of filing patent applications or reports pursuant to section 151c. of the Atomic Energy Act.

Part 26 also applies to naval nuclear propulsion data. It is necessary to protect U.S. naval nuclear propulsion technology which, because of its significant superiority to that of other countries, represents a substantial national defense asset. The regulations of the State Department (22 CFR 382.4(c)(2)) and the Commerce Department (15 CFR 385.4(c)(2)) indicate that the importance of protecting naval nuclear propulsion information is recognized by the other Government agencies concerned.

The Commission has carefully considered another area, that of isotope separation by processes other than gaseous diffusion or gas centrifugation, which is analogous to the categories identified in the appendix to Part 26. However, the Commission has decided not to include such other categories, not previously declassified, in the appendix. Instead, in order to minimize interference with private research while still providing the necessary safeguards against prolifieration, the Commission has declassified all research and development work concerning any such method of isotope separation until that method has a reasonable potential for the practical production of special nuclear material in substantial quantities. Any additional information developed after a method has advanced to the point of having such potential would be Restricted Data until specifically declassified. Accordingly, any person engaging in research and development on isotope separation should notify the Commission immediately whenever he foresees his work having such a potential. Classification guidance will be promptly provided. Whenever the Commission determines that a method of isotope separation has been developed sufficiently to have a reasonable potential for the practical production of special nuclear material in substantial quantities, consideration will be given to adding a category to the appendix of Part 26 referring specifically to the new method.

The previously proposed new Part 26 and amendments to Parts 25 and 95, published in the FEDERAL REGISTER (32 F.R. 6702, 6706, and 6710) on May 2, 1967, resulted in numerous public comments and further Commission study. The proposed revision of those documents is derived from this study.

The main points in the several comments received, and the Commission's evaluation thereof, are as follows:

(1) Doubt was expressed as to whether the term "Restricted Data" as defined in the Atomic Energy Act encompasses information developed independently of the Government's programs, as to whether the Act authorizes the Commission to control the communication of such information in private transactions, and as to whether such controls are constitutionally permissible. The Commission has reviewed its earlier conclusions in the light of the comments received, and remains convinced that the Atomic Energy Act does reach independently developed Restricted Data, and that Commission control of specifically defined areas of such information is consistent with the statute and the Constitution. A statement of the legal and policy bases for the control of Private Restricted Data is available on request from the Secretary of the Commission.

(2) There was comment that the description of the categories of Restricted Data subject to the regulations, particularly in Part 25, was too broad in the light of the possibility of criminal sanctions. The Commission has decided that the categories in Part 25, originally designed to identify areas of governmentally developed information available for commercial purposes, are not appropriate for defining areas of information subject to controls when privately generated. Part 25 will therefore be applicable only to persons who have access to Restricted Data received from the Government or other related Restricted Data developed subsequent to such access, rather than (as previously proposed) to any person generating information in the categories described, whether or not based on information received from the Government. As in the versions proposed in May, information relating to the gas centrifuge process of isotope separation is removed from Part 25 to Part 26. Such information received or generated under an access permit has now been specifically included within the definition of Private Restricted Data, to make clear that Parts 26 and 95 will apply to it. Part 95 has been limited to persons receiving Restricted Data under an access permit issued under Part 25 and persons possessing Private Restricted Data. The new proposed regulations will also clarify the fact that subsection 161p. of the Atomic Energy Act is the authority for Part 26. Although 161p. carries no criminal penalties, injunctions may be obtained to assure compliance with the regulations. A related amendment to Part 95 makes it clear that violators of the regulations in Part 95 who are subject only to Part 26 will not be subject to criminal penalties for violation of the regulations. Of course, a violation of the criminal sections of the Act itself by a person subject to Part 26 would subject the offender to criminal penalties regardless of whether or not the action also violated Parts 25, 26, and 95.

(3) Despite the provisions made for compensation, questions were raised concerning the appropriateness of the provisions in proposed § 26.28(c) reserving to the Government a license to use inventions, discoveries, and proprietary data developed by private persons subject to the regulations. The Commission has eliminated these provisions, adding a new subsection restating only the Commission's preexisting legal right to use for governmental purposes any U.S. patent, secret patent application, or invention useful in the production or utilization of special nuclear material or atomic energy.

(4) It was claimed that the proposed regulations relating to Private Restricted Data would impose unreasonable administrative burdens and expenses on employees and employers who must determine whether research is within the scope of the regulations and if it is, whether it should be continued. The burdens of complying with the security procedures were also noted. The Commission has added several provisions to help clarify and facilitate compliance with the regulations. These include: (a) To facilitate the decision by a dissemination permittee or his employer whether to carry out further work relating to the Private Restricted Data, the revised § 26.22 permits an employee who has developed Private Restricted Data to communicate it to as many as five other employees of his employer who already have active access authorizations—for example, under Part 25 or by virtue of contract work; (b) under the revised § 26.7, classification advice may be obtained directly from any Commission Operations Office, as well as from the Classification Office of the Commission in Washington, D.C.; (c) § 26.27 has been revised to provide for communications necessary to file and prosecute patent applications or make reports to the Commission pursuant to subsection 151c. of the Act; (d) the term "components" as used in the categories in the appendix to Part 26 has been defined to provide that an item will be considered a component if (1) it is designed for use in a device or facility in one of the described categories or (2) it is any other item which is not an off-the-shelf item if the Commission determines that it is useful in a device or facility in one of the categories and notifies the developer or manufacturer that the item reveals Restricted Data and that he is subject to the regulations of Part 26. The notification requirement would assure that persons designing items for use in a device or facility not

in one of the categories (for example, in a centrifuge to separate tungsten isotopes) would receive adequate notice of the applicability of Part 26.

(5) It was suggested that public discussion of the policy issues underlying the regulations would be desirable before the regulations became effective. The Commission plans to hold one or more industry conferences during the comment period at which discussion of the regulations will be invited. Anyone who wishes to attend such a conference should notify the Commission Secretary.

The definition of Private Restricted Data in Part 26 has been changed to make it clear that it includes not only privately generated Restricted Data but also Restricted Data in the specified categories which is possessed as a result of and subsequent to the termination of activities conducted by a Government agency or of work under a contract with and funded in whole or in part by the Government. Therefore, persons retaining such data must comply not only with the contractual commitments they have made concerning the protection of such data, but also with the requirements of Part 95.

A further change to Part 26 is the addition of a new § 26.34 of the proposed Part 26 which points out that in the event the Commission's program objectives would be served by contracting with an applicant for a dissemination permit a mutually acceptable contract could be negotiated with the applicant. The dissemination of any Restricted Data would be controlled by the terms of the contract.

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should submit them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given if the comments are not filed within the period specified.

PART 26—DISSEMINATION OF AND ACCESS TO PRIVATE RESTRICTED DATA

GENERAL PROVISIONS

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DISSEMINATION PERMITS AND PRIVATE RESTRICTED DATA ACCESS AUTHORIZATIONS

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AUTHORITY: The provisions of this Part 26 issued under sec. 161 p., 68 Stat. 950, 42 U.S.C. 2201 p. Interpret or apply secs. 141, 145b, 68 Stat. 940, 942, 42 U.S.C. 2161, 2165.

GENERAL PROVISIONS

§ 26.1 Purpose.

The regulations in this part are promulgated by the Atomic Energy Commission, pursuant to the Atomic Energy Act of 1954, as amended, in the interest of the common defense and security of the United States to provide procedures and standards for the issuance of a dissemination permit to an individual who desires to disseminate Private Restricted Data; and to provide for the issuance of Private Restricted Data Access Authorization to individuals desiring access to such Restricted Data.

§ 26.2 Scope.

The regulations in this part apply to any individual within or under the jurisdiction of the United States who possesses Private Restricted Data and to any individual within or under the jurisdiction of the United States who desires to disseminate or to have access to Private Restricted Data. Categories of Restricted Data subject to this part are described in the appendix to this part. The regulations in this part do not apply to Restricted Data within the categories described in Part 25 of this chapter.

§ 26.3 Definitions.

As used in this part:

(a) "Access authorization" means an administrative determination by the AEC that an individual who is an AEC contractor, a contractor of another Federal agency, or an Access Permittee, or employee or consultant of such contractor or permittee is eligible for access to Restricted Data.

(b) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto.

(c) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(d) "Commission" means the Atomic Energy Commission or its duly authorized representatives.

(e) "Dissemination" means the publication of Private Restricted Data; the communication of Private Restricted Data by any means from one individual to another individual; or permitting any individual to have access to Private Restricted Data.

(f) "Dissemination Permit" means a permit issued by the Atomic Energy Commission pursuant to the regulations of this part authorizing the individual to whom the permit is issued to disseminate the Private Restricted Data identified in the permit to each individual identified in the permit who is granted Private Restricted Data Access Authorization.

(g) "Dissemination Permittee" means the holder of a permit issued pursuant to the regulations in this part.

(h) "Private Restricted Data" means all Restricted Data within the categories in the appendix of this part which is

(1) Generated or acquired by a person other than in the course of (i) activities conducted by or for a Government agency or (ii) work under a contract with, and funded in whole or in part by, the United States; or

(2) Possessed by a person as a result of and subsequent to the termination of the person's participation in work or activities described in subdivision (i) or (ii) of this subparagraph; or

(3) Within Category b. of the appendix of this part if such information was received or developed by a person under an Access Permit.

(i) "Private Restricted Data Access Authorization" means a determination by the Atomic Energy Commission that an individual is eligible for access to specifically identified Private Restricted Data.

(j) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

(k) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but does not incude data declassified or removed from the Restricted Data category pursuant to section 142 of the Act.

(l) "Technical information or data of a proprietary nature" means information or data which:

(1) Is not the property of the Government by virtue of any agreement;

(2) Concerns the details of trade secrets or manufacturing processes which the holder of a dissemination permit or Private Restricted Data Access Authorization has protected from use by others; and

(3) Is specifically identified as proprietary at the time it is made available to the Commission.

Such information or data shall not be deemed proprietary in nature whenever substantially the same information or

data is available to the Government which has been prepared, developed, or furnished as nonproprietary information independently of the information and data furnished by the person pursuant to the regulations of this part.

§ 26.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 26.5 Communications.

All communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Manager, Communications, reports and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C., or its offices at Germantown, Md.

§ 26.6 Specific waivers and exceptions.

The Commission may, upon application of any interested party, grant such waivers and exceptions from the requirements of this part as it determines are authorized by law and will not constitute an undue risk to the common defense and security.

§ 26.7 Classification.

The Director, Division of Classification, U.S. Atomic Energy Commission, Washington, D.C. 20545, or the Classification Officer at any AEC Operations Office will, on request, provide classification advice with respect to data within the Restricted Data category.

§ 26.8 Requirements.

Each person to whom these regulations apply shall comply with all applicable provisions of the Act, with the regulations in this Part 26, with the regulations in Part 95, Safeguarding of Restricted Data, and with all other applicable rules, regulations, and orders of the Commission.

DISSEMINATION PERMITS AND PRIVATE RESTRICTED DATA ACCESS AUTHORIZATIONS

§ 26.21 Applications for Dissemination Permits.

(a) Any individual desiring to disseminate Private Restricted Data (except as provided in § 95.31(b) (1) through (3) of Part 95 of this chapter and except as provided in § 26.22) shall submit a written application in triplicate for a dissemination permit to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Manager.

(b) An application shall include the following information:

(1) Name of applicant.

(2) Address of applicant.

(3) Description of business or occupation of applicant.

(4) Citizenship and age of applicant.

(5) If application is submitted in connection with the applicant's duties as an employee:

(i) Name of employer.

(ii) A statement by the applicant's employer authorizing the submission of the application.

(iii) If employer is a partnership, the name, citizenship and address of each partner and the principal address where the partnership does business.

(iv) If employer is a corporation or an unincorporated association:

(a) The State where it is incorporated or organized and the principal address where it does business;

(b) The name, address and citizenship of each director and principal officer;

(c) Whether it is owned, controlled or dominated by an alien, a foreign corporation, or foreign government, and if so, the details.

(6) Description of the Private Restricted Data that the applicant desires to disseminate and the period of time (not more than 2 years) during which such dissemination would take place.

(7) Whether the applicant desires to exchange, as well as disseminate, the Private Restricted Data described in subparagraph (6) of this paragraph, with the individuals identified in subparagraphs (8) and (9) of this paragraph, and thus will request a Private Restricted Data Access Authorization.

(8) The total number of employees of the applicant or of the applicant's employer who would be given access to the Private Restricted Data; the name and title of each such individual and a detailed explanation of each such individual's previous access to Restricted Data.

(9) The name, title and address of each individual who is not employed by the applicant or by the applicant's employer to whom the applicant wishes to disseminate Private Restricted Data and a detailed explanation of such individual's previous access to Restricted Data.

(10) A detailed explanation of the reason for the proposed dissemination of Private Restricted Data.

(11) A detailed explanation showing the extent, if any, to which products or services provided by the applicant or by persons to whom the applicant desires to disseminate Private Restricted Data would contain or reveal Restricted Data.

(12) A statement of security procedures adopted showing that the Private Restricted Data is or will be protected in accordance with the regulations of Part 95 of this chapter.

(13) The application must be signed by the applicant.

§ 26.22 Special Dissemination Authorization.

An individual who is an employee and who develops Private Restricted Data may communicate it to other employees of his employer in order to determine whether an application for a Dissemination Permit should be submitted or to complete such an application provided that

(a) Any employee to whom Private Restricted Data is to be communicated has an active access authorization;

(b) Not more than five such employees receive access to the Private Restricted Data; and

(c) In the event an application for a Dissemination Permit is not submitted within 30 days of the first communication to such employee, the Assistant General Manager, U.S. Atomic Energy Commission, Washington, D.C. 20545, shall be promptly informed of the nature of the Private Restricted Data by the individual who develops such data.

§ 26.23 Requests for Private Restricted Data Access Authorizations.

A request for a Private Restricted Data Access Authorization may be made only by and individual identified in a dissemination permit. The request for Private Restricted Data Access Authorization form shall be in writing. Completed forms shall be submitted to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Manager.

§ 26.24 Additional information from applicants.

The Commission may at any time either before or after issuance of a dissemination permit or Private Restricted Data Access Authorization, require additional information in order to enable the Commission to determine whether in the interest of the common defense and security a dissemination permit or a Private Restricted Data Access Authorization should be granted, denied, continued, modified or revoked.

§ 26.25 Issuance of Dissemination Permits.

(a) Upon a determination (1) that an application for a dissemination permit meets the requirements of these regulations; (2) that the application demonstrates that the proposed dissemination would advance the peaceful applications of Restricted Data or atomic energy; (3) that the application complied with such additional requirements that the Commission may adopt for a particular category of Restricted Data; and (4) that permitting dissemination of the Private Restricted Data described in the application to the extent proposed, or as modified by the Commission, will not endanger the common defense and security, the Commission will issue to the applicant a dissemination permit identifying the Private Restricted Data that may be disseminated and the individuals to whom it may be disseminated, and who may exchange it, provided those individuals are granted Private Restricted Data Access Authorizations.

(b) In considering the determination in paragraph (a) of this section, the Commission may take into account (1) the relative importance to the common defense and security of the category of Private Restricted Data which would be disseminated if the permit is issued; (2) the total number of individuals to whom the applicant desires to disseminate the Private Restricted Data; (3) the total number of individuals who have access to Restricted Data in the category identified in the application; and (4) any other

factors which in the opinion of the Commission affect the common defense and security.

(c) A dissemination permittee is authorized to disseminate the Private Restricted Data identified in the permit to the individuals identified in the permit provided the individuals are granted Private Restricted Data Access Authorizations for such Private Restricted Data.

§ 26.26 Issuance of Private Restricted Data Access Authorizations.

(a) Upon a determination (1) that a dissemination permit identifying the applicant for Private Restricted Data Access Authorization has been issued, (2) that the applicant's procedures for safeguarding the Private Restricted Data are in compliance with the regulations in Part 95 of this chapter, (3) that the applicant is eligible for access to the Private Restricted Data identified in the dissemination permit, and (4) that granting the access authorization will not endanger the common defense and security, the Commission will grant to the applicant a Private Restricted Data Access Authorization to the Private Restricted Data identified in the dissemination permit.

(b) An individual who possesses a Private Restricted Data Access Authorization is authorized, for such time as a dissemination permit identifying him is in effect, (1) to have access to the Private Restricted Data identified in the dissemination permit in which the individual is identified, (2) to exchange that Private Restricted Data with the other individuals identified in the same dissemination permit and who have been granted Private Restricted Data Access Authorization, and (3) to disseminate that Private Restricted Data in accordance with the regulations in § 95.31(b) (1) through (3) of this chapter.

§ 26.27 Special conditions applicable to Categories of Private Restricted Data.

(a) Restricted Data concerning atomic weapons and gas centrifuges. No dissemination permit authorizing dissemination of Private Restricted Data concerning information in categories (a) or (b) of the appendix or Private Restricted Data Access Authorization to such data will be issued except for the purpose of filing and prosecuting patent applications or reports to the Commission pursuant to subsection 151c of the Act; any individual possessing such data is subject to the provisions of the regulations in Part 95 of this chapter concerning safeguarding of Private Restricted Data.

(b) Restricted Data concerning gaseous diffusion and naval nuclear propulsion. Applications for dissemination permits authorizing dissemination of Private Restricted Data concerning information in categories (c) and (d) of the Appendix will be considered by the Commission under the criteria described in § 26.25.

§ 26.28 Terms and conditions of Dissemination Permits and Private Restricted Data Access Authorizations.

(a) Each dissemination permittee and each individual granted Private Restricted Data Access Authorization shall comply with all applicable provisions of the Act, with the provisions of Part 95 of this chapter, with the regulations in this Part 26 and with all other applicable rules, regulations and orders of the Commission.

(b) Each dissemination permittee shall pay all established charges for Private Restricted Data Access Authorizations requested by individuals identified in his dissemination permit.

(c) (1) Each dissemination permittee and each individual granted a Private Restricted Data Access Authorization shall furnish the Commission such report as the Commission may from time to time require concerning the results of work with Private Restricted Data, including reports in writing, in reasonable detail, respecting all technical information or data which the individual or the Commission considers may be of interest to the Commission, and reports of patent applications on inventions or discoveries and of technical information and data of a proprietary nature.

(2) Each individual subject to these regulations agrees to make available to the Commission, at all reasonable times, for inspection by Commission personnel or, by mutual agreement, others on behalf of the Commission, all experimental equipment and technical data developed, during work with Private Restricted Data, by the dissemination permittee or individuals granted Private Restricted Data Access Authorization.

(3) Where a report or inspection pursuant to subparagraphs (1) and (2) of this paragraph (c) discloses any technical information or data of a proprietary nature the Commission will protect such information from unauthorized disclosure.

(4) Under statutory authority the Commission has the right to use and have used for governmental purposes, subject to compensation or award for such use, any U.S. patent, any secret patent application, or any invention useful in the production or utilization of special nuclear material or atomic energy.

§ 26.29 Term.

(a) A dissemination permit shall be issued for a 2-year term unless otherwise stated in the permit. When no longer needed for the purpose specified in the application therefor dissemination permits and Private Restricted Data Access Authorizations shall be surrendered to the Commission and on such surrender the authority they had granted shall terminate.

(b) An application for renewal of a dissemination permit shall be filed in accordance with § 26.21. Each renewal application must be complete, without reference to previous applications. In any case in which a dissemination permittee has filed a properly completed application for renewal more than thirty (30) days prior to the expiration of his existing permit, such existing permit shall not expire until the application for a renewal has been finally acted upon by the Commission.

(c) The expiration, suspension or revocation of a dissemination permit or Private Restricted Data Access Authorization shall not relieve any individual from compliance with the Act, the provisions of Part 95 of this chapter or the regulations of this part.

§ 26.30 Amendment.

A dissemination permit may be amended from time to time upon application by the individual to whom it was issued, filed in triplicate, in letter form and signed by the applicant.

§ 26.31 Suspension and revocation of permits.

The Commission may revoke or suspend any dissemination permit for any material false statement in the application or in any report submitted to the Commission pursuant to the regulations in this part or because of conditions or facts which would have warranted a refusal to grant the permit in the first instance, or for violation of any of the terms and conditions of the Act or Commission rules, regulations, or orders issued pursuant thereto.

§ 26.32 Administration.

With respect to each dissemination permit issued pursuant to the regulation of this part, the Commission will:

(a) Make a determination with respect to each Private Restricted Data Access Authorization requested in connection with the dissemination permit; and

(b) Review the procedures submitted by the applicant for a dissemination permit and applicants for Private Restricted Data Access Authorizations for the safeguarding of Restricted Data.

Communications regarding these matters should be addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Manager.

§ 26.33 Exceptions and additional requirements.

Notwithstanding any other provision in the regulations in this part, the Commission may deny an application for a dissemination permit or a Private Restricted Data Access Authorization or suspend or revoke any dissemination permit or Private Restricted Data Access Authorization or incorporate additional conditions or requirements in any dissemination permit, upon finding that such denial, suspension, revocation, or the incorporation of such conditions or requirements is necessary or appropriate in the interest of the common defense and security or is otherwise in the public interest.

§ 26.34 Contracts.

Notwithstanding any other provision in the regulations in this part, if the Commission determines that its program

objectives warrant entering into a contract with an applicant for a dissemination permit for work involving dissemination of Restricted Data, the Commission may negotiate a mutually acceptable contract for the conduct of the work. In that event, control over the dissemination of Restricted Data would be provided by the terms of the contract.

§ 26.35 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder.

APPENDIX

CATEGORIES OF PRIVATE RESTRICTED DATA

All Restricted Data (except that removed from the Restricted Data category pursuant to section 142) concerning:

(a) Atomic weapons and nuclear explosive devices or components thereof, including lasers and laser systems designed to produce of capable of producing in deuterium, tritium, or mixtures containing these materials, a 1 percent rise in absolute temperature or a 1 percent rise in the mean kinetic energy of the charged particles at any point in the material or mixture as a result of thermonuclear reactions;

(b) Gas centrifuges and cascades of gas centrifuges capable of separating one or more isotopes of an element, technology concerning and components of such centrifuges and cascades;

(c) Gaseous diffusion plants capable of separating one or more isotopes of an element, technology concerning such plants, and components of such plants;

(d) Naval nuclear propulsion reactors and components of such reactors.

As used in this appendix, the term "components" means (1) items designed for use in a device or facility in one of the above categories, and (2) any other item (except items customarily offered for sale and having broad industrial uses) which the Commission determines is useful in a device or facility described in one of the above categories, provided that the Commission notifies the person developing or manufacturing the item that the item reveals Restricted Data and that the person is subject to the regulations in this part.

PART 25—PERMITS FOR ACCESS TO RESTRICTED DATA

GENERAL PROVISIONS

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AUTHORITY: The provision of Part 25 issued under sec. 161i., 68 Stat. 949, 42 U.S.C. 2201i.

§ 25.1 Purpose.

This part establishes procedures and standards for the issuance of an Access Permit to any person subject to this part who requires access to Restricted Data received from the Government or other related Restricted Data developed subsequent to such access, applicable to civil uses of atomic energy for use in his business, trade or profession; provides for the amendment, renewal, suspension, termination, and revocation of an Access Permit; and specifies the terms and conditions under which the Commission will issue the permit.

§ 25.2 Applicability.

The regulations in this part apply to any person within or under the jurisdiction of the United States who desires access to Restricted Data received from the Government or other related Restricted Data developed subsequent to such access for use in his business, profession or trade.

§ 25.3 Definitions.

As used in this part:

(a) "Access authorization" means an administrative determination by the AEC that an individual who is an AEC contractor, a contractor of another Federal agency, or an Access Permittee, or an employee or consultant of such contractor or permittee is eligible for access to Restricted Data.

(b) "Access Permit" means a permit, issued to a person by the Atomic Energy Commission, pursuant to the regulations of this part, by means of which individuals possessing appropriate access authorization may obtain access to Restricted Data received from the Government or other related Restricted Data developed subsequent to such access applicable to civil uses of atomic energy in accordance with the terms and conditions stated on the permit.

(c) "Access Permittee" means the holder of a permit issued pursuant to the regulations in this part.

(d) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto.

(e) "Commission" means the Atomic Energy Commission or its duly authorized representatives.

(f) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

(g) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Act.

§ 25.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this Part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 25.5 Communications.

Communications concerning rule making, i.e., petition to change Part 25, should be addressed to Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. All other communications concerning the regulations in this Part, and applications filed under them, should be addressed to the Commission Operations Office listed in Appendix B of this part responsible for the geographical area in which (a) the applicant's principal place of business is located, or (b) the principal place where the applicant will use the Restricted Data is located.

§ 25.6 Categories of available information.

For administrative purposes the Commission has categorized Restricted Data which will be made available to access permittees in the categories as set forth in Appendix A to this part. Top Secret information; information subject to the regulations of Part 26 of this chapter; and defense information other than Restricted Data are not included in these categories and will not be made available under this part.

§ 25.7 Specific waivers.

The Commission may, upon application of any interested party, grant such waivers from the requirements of this part as it determines are authorized by law and will not constitute an undue risk to the common defense and security.

APPLICATIONS

§ 25.11 Applications.

(a) Any person desiring access to Restricted Data pursuant to this part should submit an application (Form AEC 378), in triplicate, for an access permit to the Commission's Operations Office, listed in Appendix B to this part, responsible for the area in which (1) the applicant's principal place of business is located, or (2) the principal place where the applicant will use the Restricted Data is located.

(b) Where an individual desires access to Restricted Data received from the Government or other related Restricted Data developed subsequent to such access for use in the performance of his duties as an employee, the application for an access permit must be filed in the name of his employer.

(c) Self-employed private consultants, desiring access to Restricted Data, must

file the application in their own name for an individual access permit.

(d) Each application should contain the following information:

(1) Name of applicant (unincorporated subsidiaries or divisions of a corporation must apply in the name of the corporation);

(2) Address of applicant;

(3) Description of business or occupation of applicant;

(4) (i) If applicant is an individual, state citizenship.

(ii) If applicant is a partnership, state name, citizenship, and address of each partner and the principal location where the partnership does business.

(iii) If applicant is a corporation or an unincorporated association, state:

(a) The State where it is incorporated or organized and the principal location where it does business;

(b) The names, addresses, and citizenship of its directors and of its principal officers;

(c) Whether it is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government, and if so, give details.

(iv) If the applicant is acting as agent or representative of another person in filing the application, identify the principal and furnish information required under this subparagraph with respect to such principal;

(5) Total number of full-time employees;

(6) Classification of Restricted Data (Confidential or Secret) to which access is requested;

(7) Potential use of the Restricted Data in the applicant's business, profession or trade. If access to Secret Restricted Data is requested, list the specific categories by number and furnish detailed reasons why such access within the specified categories is needed by the applicant. The need for Secret information should be stated by describing its proposed use in specific research, design, planning, construction, manufacturing, or operating projects; in activities under licenses issued by the Commission; in studies or evaluations planned or under way; or in work or services to be performed for other organizations. In addition, if access to Secret Restricted Data in Category C–65, Plutonium Production, is requested, the application should also include sufficient information to satisfy the requirements of § 25.15(b) (2) or (3), as the case may be.

(8) Principal location(s) at which Restricted Data will be used.

(e) Applications should be signed by a person authorized to sign for the applicant.

(f) Each application shall contain complete and accurate disclosure with respect to the real party or parties in interest and as to all other matters and things required to be disclosed.

§ 25.12 Noneligibility.

The following persons are not eligible to apply for an access permit:

(a) Corporations not organized under the laws of the United States or a political subdivision thereof.

(b) Any individual who is not a citizen of the United States.

(c) Any partnership not including among the partners one or more citizens of the United States; or any other unincorporated association not including one or more citizens of the United States among its principal officers.

(d) Any organization which is owned, controlled, or dominated by the Government of, a citizen of, or an organization organized under the laws of a country or area listed as a Subgroup A country or destination in § 371.3 (15 CFR 371.3) of the Comprehensive Export Schedule of the U.S. Department of Commerce.

(e) Persons subject to the jurisdiction of the United States who are not doing business within the United States.

§ 25.13 Additional information.

The Commission may, at any time after the filing of the original application and before the termination of the permit, require additional information in order to enable the Commission to determine whether the permit should be granted or denied or whether it should be modified or revoked.

§ 25.14 Public inspection of applications.

Applications and documents submitted to the Commission in connection with applications may be made available for public inspection in accordance with the regulations contained in Part 2 of this chapter.

§ 25.15 Requirements for approval of applications.

(a) An application for an access permit authorizing access to Confidential Restricted Data in the categories set forth in Appendix A (except C–91) will be approved only if the application demonstrates that the applicant has a potential use or application for such data in his business, trade, or profession and has filed a complete application form.

(b) (1) An application for an access permit authorizing access to Secret Restricted Data will be approved only if the application demonstrates that the applicant has a need for such data in his business, trade, or profession and has filed a complete application form.

(2) An application for an access permit authorizing access to Secret Restricted Data in category C–65 Plutonium Production will be approved only if the application demonstrates also that the applicant:

(i) Is directly engaged in a substantial effort to develop, design, build, or operate a chemical processing plant or other facility related to his participation in the peaceful uses of atomic energy for which such production rate and cost data are needed; or

(ii) Is furnishing to a permittee having access to C–65 under subdivision (i) of this subparagraph, substantial scientific, engineering, or other professional services to be used by said permittee in carrying out the activities for which said permittee received access to category C–65.

(3) An application for an access permit authorizing access to Confidential and Secret Restricted Data in C–91, Nuclear Reactors for Rocket Propulsion, will be approved only if the application demonstrates also that the applicant:

(i) Possesses qualifications demonstrating that he is capable of making a contribution to research and development in the field of nuclear reactors for rocket propulsion and is directly engaged in or proposes to engage in a substantial research and development program in such field of work; or

(ii) Is engaged in or proposes to engage in a substantial study program in the field of nuclear reactors for rocket propulsion preparatory to the submission of a research and development proposal to the Atomic Energy Commission; or

(iii) Is furnishing to a permittee having access under subdivision (i) or (ii) of this subparagraph substantial scientific, engineering, or other professional services to be used by that permittee in a study or research and development program for which said permittee received access.

PERMITS

§ 25.21 Issuance.

(a) Upon a determination that an application meets the requirements of this regulation, the Commission will issue to the applicant an access permit on Form AEC 379.

(b) An Access Permit is not an access authorization. It does not authorize any individual not having an appropriate AEC access authorization to receive Restricted Data. See § 25.24 and Part 95 of this chapter.

§ 25.22 Scope of permit.

(a) All access permits will as a minimum authorize access, subject to the terms and conditions of the access permit, to Confidential Restricted Data in all of the categories set forth in Appendix A, except C–91.

(b) In addition, access permits may authorize access, subject to the terms and conditions of the access permit, to such Secret Restricted Data as is included within the particular category or categories specified in the permit.

§ 25.23 Terms and conditions of access.

(a) Neither the United States, nor the Commission, nor any person acting on behalf of the Commission makes any warranty or other representation, express or implied, (1) with respect to the accuracy, completeness, or usefulness of any information made available pursuant to an access permit, or (2) that the use of any such information may not infringe privately owned rights.

(b) The Commission hereby waives such rights with respect to any invention or discovery as it may have pursuant to section 152 of the Act by reason of such invention or discovery having been made or conceived in the course of, in connection with, or resulting from access to Restricted Data received under the terms of an access permit.

(c) Each access permittee shall:

(1) Comply with all applicable provisions of the Act and with Part 95 of this chapter and with all other applicable rules, regulations, and orders of the Commission;

(2) Be deemed to have waived all claims for damages under section 183 of Title 35 United States Code by reason of the imposition of any secrecy order on any patent application and all claims for just compensation under section 173 of the Act with respect to any invention or discovery made or conceived in the course of, in connection with or as a result of access to Restricted Data received under the terms of the access permit;

(3) Be deemed to have waived any and all claims against the United States, the Commission, and all persons acting on behalf of the Commission that might arise in connection with the use, by the applicant, of any and all information supplied by them pursuant to the access permit;

(4) Obtain and preserve in his files written agreements from all individuals who will have access to Restricted Data under his access permit. The agreement shall be as follows:

In consideration for receiving access to Restricted Data under the access permit issued by the AEC, I hereby agree to:

(a) Waive all claims for damages under section 183 of Title 35 United States Code by reason of the imposition of any secrecy order on any patent application, and all claims for just compensation under section 173 of the Act, with respect to any invention or discovery made or conceived in the course of, in connection with or resulting from access to Restricted Data received under the terms of the access permit issued to (insert the name of the holder of the access permit);

(b) Waive any and all claims against the United States, the Commission, and all persons acting on behalf of the Commission that might arise in connection with the use, by me, of any and all information supplied by them pursuant to the access permit issued to (insert the name of the holder of the access permit).

(5) Pay all established charges for personnel access authorizations, AEC consulting services, publication and reproduction of documents, and such other services as the Commission may furnish in connection with the access permit.

§ 25.24 Administration.

With respect to each permit issued pursuant to the regulations in this part, the cognizant Operations Office will:

(a) Process all personnel access authorizations requested in connection with the permit;

(b) Review the procedures submitted by the applicant in accordance with Part 95 of this chapter, for the safeguarding of Restricted Data; and

(c) Provide information to the access permittee with respect to the sources and locations of Restricted Data available under this permit and to assist the access permittee in other matters pertaining to the administration of his permit.

§ 25.25 Term and renewal.

(a) Each access permit will be issued for a 2-year term, unless otherwise stated in the permit.

(b) Applications for renewal shall be filed in accordance with § 25.11. Each renewal application must be complete, without reference to previous applications. In any case in which a permittee has filed a properly completed application for renewal more than thirty (30) days prior to the expiration of his existing permit, such existing permit shall not expire until the application for a renewal has been finally acted upon by the Commission.

§ 25.26 Assignment.

An access permit is nontransferable and nonassignable.

§ 25.27 Amendment.

An access permit may be amended from time to time upon application by the access permittee. An application for amendment may be filed, in triplicate, in letter form and shall be signed by an individual authorized to sign on behalf of the applicant. The term of an access permit shall not be altered by an amendment thereto.

§ 25.28 Commission action on application to renew or amend.

In considering an application by an access permittee to renew or amend his permit, the Commission will apply the criteria set forth in § 25.15. Failure of an applicant to reply to a Commission request for additional information concerning an application for renewal or amendment within 60 days shall result in a rejection of the application without prejudice to resubmit a properly completed application at a later date.

§ 25.29 Suspension, revocation and termination of permits.

The Commission may revoke or suspend any access permit for any material false statement in the application or in any report submitted to the Commission pursuant to the regulations in this part or because of conditions or facts which would have warranted a refusal to grant the permit in the first instance, or for violation of any of the terms and conditions of the Act or Commission rules, regulations, or orders issued pursuant thereto. An access permittee should request termination of his permit when he no longer requires Restricted Data for use in his business, trade, or profession.

§ 25.30 Exceptions and additional requirements.

Notwithstanding any other provision in the regulations in this part, the Commission may deny an application for an access permit or suspend or revoke any access permit, or incorporate additional conditions or requirements in any access permit, upon finding that such denial, revocation or the incorporation of such conditions and limitations is necessary or appropriate in the interest of the common defense and security or is otherwise in the public interest.

§ 25.31 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

APPENDIX A

Categories of Restricted Data Available (Including Scope Notes for Each Category).

C–44 Nuclear Technology. This category includes classified technical information concerning nuclear technology. It may contain information on the following:

a. Materials, including metals, ceramics, organic and inorganic compounds. Included are such technical areas as the technology and fabrication of fuel elements, corrosion studies, cladding techniques, and radiation studies.

b. Chemistry, chemical engineering, and radiochemistry of all the elements and their compounds. Included are techniques and processes of chemical separations, radioactive waste handling, and feed material processing.

c. Reactor physics, engineering and technology including theory, design, criticality studies and operation of reactors, reactor systems and reactor components.

d. Aerospace safety, testing, studies, and evaluations. Included are technology and evaluation of nuclear safety performance or characteristics of materials, components, subsystems and systems, for nuclear primary and auxiliary power, and/or propulsion devices by flight tests and ground environmental impact, chemical and thermal experiments. Also includes chemical kinetics, reactor kinetics, reentry burnup phenomena, fission product release and dispersion.

This category does not include:

a. Information which reveals or from which can be calculated actual or planned (as distinguished from design) capacities, production rates, and unit costs for the plutonium production program; or

b. Information on an actual or planned reactor system which falls within the scope of categories C–90, 91, 92, 93, and 94.

c. Classified methods of isotope separation.

d. Classified information on specific aerospace system objectives, schedules, or operational uses.

C–65 Plutonium Production. This category includes information on reactor, fuel element and separations technology which reveals or from which can be calculated actual or planned (as distinguished from design) capacities, production rates and unit costs for the Hanford and Savannah River production facilities.

Technology which does not reveal or enable calculation of production rates and unit costs of Hanford or Savannah River production facilities is categorized in C–44 Nuclear Technology.

C–90 Nuclear Reactors for Ram-Jet Propulsion. This category includes information on:

a. Programs pertaining to the development of nuclear reactors for application to ram-jet propulsion systems including theory and/or design, test philosophy procedures and/or results.

b. Fabrication technology and evaluation of performance or characteristics of materials or components for such reactors.

c. Controls, control systems, and instrumentation relating to the design or technology of such reactors.

d. Data pertaining to heat transfer, propellant kinetics, or corrosion and erosion of materials under conditions of high temperature, high-gas flows or other environmental conditions characteristic of ram-jet propulsion systems.

This category does not include information on:

a. Design details of weapons systems or nuclear warheads.

b. Military operational techniques or characteristics.

c. General aspects of nuclear ram-jet missiles, such as payload, aerodynamic characteristics, guidance systems, physical size, gross weight, thrust, and information of this kind which is associated with utilization of a nuclear ram-jet propulsion system.

C–91 Nuclear Reactors for Rocket Propulsion. This category includes information on:

a. Programs pertaining to nuclear reactors for rocket propulsion; i.e., missile propulsion, theory and/or design, test philosophy procedures and/or results.

b. Design, fabrication technology and evaluation of performance or characteristics of material, components, or subsystems of nuclear rocket reactors.

c. Controls, control systems and instrumentation relating to the design or technology of rocket reactor systems.

d. Data pertaining to heat transfer, propellant kinetics or corrosion and erosion of rocket reactor system materials under conditions of high temperature, high-gas flows, or other environmental conditions characteristic of rocket reactors.

This category does not include information on:

a. Design details of weapons systems or nuclear warheads.

b. Military operational techniques or characteristics.

c. General aspects of payload and aerodynamic characteristics.

d. Design details and development information of components and subsystems of the nuclear rocket engine other than that associated with the reactor system.

C–92 Systems for Nuclear Auxiliary Power (SNAP). This category includes information on:

a. Isotopic SNAP Program, including theory, design, research and development, fabrication, test procedures and results for the device, including power conversion device and the fuels used.

b. Reactor SNAP Program, including theory, design, research and development, fabrication, test procedures and results for the reactor, including the directly associated power conversion device when developed by the AEC.

This category does not include basic technical and scientific data developed under the SNAP Advanced Concept Program which should be reported in C–93.

C–93 Advanced Concepts for Future Application.

C–93a Reactor Experiments. This category includes classified technical information developed in the pursuit of work on new or advanced concepts of reactors or components which the AEC considers essential to future growth or for general application to future generations of reactors. Classified information developed in the pursuit of work on the lithium cooled reactor experiment is an example of the type of information to be reported in this category; i.e., information resulting from an experimental reactor project or component development which may have many future applications but which is not currently being pursued to meet the specific needs of an approved requirement for which other information categories have been provided. For example, classified technical information developed in the pursuit of work on Naval, Ram-Jet or Rocket nuclear reactors would not be reported here but under their respective specific categories. This category will include classified technical information on the following:

a. Theory, design, and performance, either estimated or actual.

b. Design details, composition and performance characteristics of major components (e.g., fuel media, reflectors, moderators, heat exchangers, pressure shells or containment devices, control rods, conversion devices, instrumentation, and shielding).

c. Material (metals, ceramics, and compounds) development, alloying, cladding, corrosion, erosion, radiation studies, and fabrication techniques.

d. Chemistry, including chemical engineering, processes, and techniques. Reactor physics, engineering, and criticality studies.

C–93b Conversion Devices. This category includes classified technical information developed in the pursuit of studies, designs, research and development, fabrication, and operation of any energy conversion device to be used with nuclear energy sources which is not being applied to a specific system development project.

C–94 Military Compact Reactor (MCR). This category includes classified technical information on the actual or planned Military Compact Reactor and its components developed in the pursuit of studies, designs, research and development, fabrication, and operation of the reactor system or its components.

Examples of the areas of information included are:

a. Reactor core physics.

b. Fuel elements and fuel element components.

c. Moderator and reflector details.

d. Data on primary coolant system.

e. Radiation shield.

f. Controls and instrumentation.

This category does not include information on military operational characteristics or techniques.

APPENDIX B

Commission's operations offices and geographical areas of responsibility.

Albuquerque Operations Office, U.S. Atomic Energy Commission, Post Office Box 5400, Albuquerque, N. Mex. 87115: Arizona, Kansas, New Mexico, Oklahoma, and Texas.

Chicago Operations Office, U.S. Atomic Energy Commission, 9800 South Cass Avenue, Argonne, Ill. 60439: Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

New York Operations Office, U.S. Atomic Energy Commission, 376 Hudson Street, New York, N.Y. 10114: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

Oak Ridge Operations Office, U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, Tenn. 37831: Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Panama Canal Zone, Puerto Rico, Tennessee, Virginia, Virgin Islands, and West Virginia.

Richland Operations Office, U.S. Atomic Energy Commission, Post Office Box 550, Richland, Wash. 99352: Alaska, Oregon, and Washington.

San Francisco Operations Office, U.S. Atomic Energy Commission, 2111 Bancroft Way, Berkeley, Calif. 94704: California, Colorado, Hawaii, Idaho, Montana, Nevada, Utah, Wyoming, and U.S. Pacific Territories.

Savannah River Operations Office, U.S. Atomic Energy Commission, Post Office Box A, Aiken, S.C. 29802: Alabama, Florida, Georgia, North Carolina, and South Carolina.

PART 95—SAFEGUARDING OF RESTRICTED DATA

GENERAL PROVISIONS

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95.44 Inspection.
95.45 Violations.

AUTHORITY: The provisions of this Part 95 issued under sec. 161 i and p, 68 Stat. 948, 42 U.S.C. 2201 i and p.

GENERAL PROVISIONS

§ 95.1 Purpose.

The regulations in this part establish requirements for the safeguarding of (a) Restricted Data received or developed under an Access Permit and (b) Private Restricted Data.

§ 95.2 Scope.

The regulations in this part apply to all persons (a) who receive access to Restricted Data under an Access Permit and (b) who possess Private Restricted Data.

§ 95.3 Definitions.

As used in this part,

(a) "Access authorization" means an administrative determination by the AEC that an individual who is an AEC contractor, contractor of another Federal agency, or an Access Permittee, or an employee or consultant of such contractor or permittee is eligible for access to Restricted Data;

(b) "Access Permit" means a permit, issued to a person by the Atomic Energy Commission pursuant to the regulations in Part 25 of this chapter, by means of which individuals possessing appropriate

access authorization may obtain access to Restricted Data received from the Government and other related Restricted Data developed subsequent to such access, applicable to civil uses of atomic energy in accordance with the terms and conditions stated on the permit;

(c) "Access Permittee" means the holder of an Access Permit;

(d) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(e) "Commission," "USAEC," or "AEC" means the U.S. Atomic Energy Commission or its duly authorized representatives;

(f) "Dissemination Permit" means a permit issued by the Atomic Energy Commission pursuant to the regulations in Part 26 of this chapter authorizing the individual to whom the permit is issued to disseminate the Private Restricted Data identified in the permit to each individual identified in the permit who is granted Private Restricted Data Access Authorizations;

(g) "Dissemination Permittee" means the holder of a Dissemination Permit;

(h) "Document" means any piece of recorded information regardless of its physical form or characteristics;

(i) "DoD" means the Department of Defense;

(j) "Government Agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(k) "L(X) access authorization" means a determination by the AEC that an individual is eligible for access to Confidential Restricted Data under an Access Permit;

(l) "NASA" means the National Aeronautics and Space Administration;

(m) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

(n) "Private Restricted Data" means all Restricted Data within the categories in the appendix of Part 26 to this chapter which is

(1) Generated or acquired by a person other than in the course of (i) activities conducted by or for a Government agency or (ii) work under a contract with, and funded in whole or in part by, the United States; or

(2) Possessed by a person as a result of and subsequent to the termination of the person's participation in work or activities described in (1) or (ii) above; or

(3) Within Category B of the appendix to Part 26 of this chapter if such information was received or developed by a person under an Access Permit;

(o) "Private Restricted Data Access Authorization" means a determination by the Atomic Energy Commission that an individual is eligible for access to specifically identified Private Restricted Data;

(p) "Q(X) access authorization" means a determination by the AEC that an individual is eligible for access to Secret and Confidential Restricted Data under an Access Permit;

(q) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Act;

(r) "Security area" means a physically defined space, access to which is subject to security restrictions and control;

(s) "Security clearance" means an administrative determination by the AEC that an employee of the AEC or of another Federal agency is eligible for access to Restricted Data or defense information;

(t) "United States," when used in a geographical sense, includes all Territories and Possessions of the United States, the Canal Zone and Puerto Rico.

§ 95.4 Communications.

Communications concerning the regulations in this part should be addressed to the U.S. Atomic Energy Commission at the Commission Operations Office (listed in Appendix B of 10 CFR Part 25) administering Access Permits for the geographical area if the communication involves an Access Permit or to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Manager, if the communication involves any other matter. Communications involving an Access Permit may be delivered in person at the Commission Operations Office. Other communications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C. or its office at Germantown, Maryland.

§ 95.5 Submission of procedures by Access Permit holder.

No access permittee shall have access to Restricted Data until he shall have submitted to the Commission a written statement of his procedures for the safeguarding of Restricted Data and for the security education of his employees and the Commission shall have determined and informed the permittee that his procedures for the safeguarding of Restricted Data are in compliance with the regulations in this part and that his procedures for the security education of his employees assure that his all employees, who will have access to Restricted Data, are informed about and understand the regulations in this part.

§ 95.6 Specific waivers.

The Commission may, upon application of any interested party, grant such waivers from the requirements of this part as it determines are authorized by law and will not constitute an undue risk to the common defense and security.

§ 95.7 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 95.8 Requirements.

Each person to whom these regulations apply shall comply with all applicable provisions of the Act, with the regulations in this part, and with all other applicable rules, regulations and orders of the Commission.

PHYSICAL SECURITY

§ 95.21 Protection of Restricted Data in storage.

(a) All persons subject to this regulation shall store Secret and Confidential documents and material when not in use in accordance with one of the following methods:

(1) In a locked vault, safe or safe-type steel file cabinet having a three-position dial-type combination lock; or

(2) In a dual key, Bank Safety Deposit Box; or

(3) In a steel file cabinet secured by a steel lock bar and a three-position dial-type changeable combination padlock; or

(4) In a locked steel file cabinet when located in a security area established under § 95.23 or when the cabinet or the place in which the cabinet is located is under Commission approved automatic alarm protection.

(b) Changes of combination: Each person subject to this regulation shall change the combinations on locks of his safekeeping equipment whenever such equipment is placed in use, whenever an individual knowing the combination no longer requires access to the repository as a result of change in duties or position, or termination of employment, or whenever the combination has been subjected to compromise, and in any event at least once a year. Records of combinations shall be classified no lower than the highest classification of the documents and material authorized for storage in the safekeeping equipment concerned.

(c) The lock on safekeeping equipment of the type specified in paragraph (a)(4) of this section shall be replaced immediately whenever a key is lost.

§ 95.22 Protection while in use.

While in use, documents and material containing Restricted Data shall be under the direct control of an appropriately authorized individual and the Restricted Data shall be capable of being removed from sight immediately.

§ 95.23 Establishment of security areas.

(a) When, because of their nature or size, it is impracticable to safeguard documents and material containing Restricted Data in accordance with the pro-

visions of §§ 95.21 and 95.22, a security area to protect such documents and material shall be established.

(b) The following controls shall apply to security areas:

(1) Security areas shall be separated from adjacent areas by a physical barrier designed to prevent entrance into such areas, and access to the Restricted Data within the areas, by unauthorized individuals.

(2) During working hours, admittance shall be controlled by an appropriately authorized individual posted at each unlocked entrance.

(3) During nonworking hours, admittance shall be controlled by protective personnel on patrol, with protective personnel posted at unlocked entrances, or by such automatic alarm systems as the Commission may approve.

(4) Each individual authorized to enter a security area shall be issued a distinctive badge or pass when the number of employees assigned to the area exceeds 30.

§ 95.24 Special kinds of classified material.

When the Restricted Data contained in material is not ascertainable by observation or examination at the place where the material is located and when the material is not readily removable because of size, weight, radioactivity, or similar factors, the Commission may authorize such lesser protection than is otherwise required by §§ 95.21 to 95.23, inclusive, as the Commission determines to be commensurate with the difficulty of removing the material.

§ 95.25 Protective personnel.

Whenever protective personnel are required by § 95.23, such protective personnel shall:

(a) Be armed with sidearms of not less than .38 caliber, and

(b) With respect to Restricted Data within the categories of Appendix "A" to Part 25, possess a "Q" or "L" security clearance or "Q(X)" or "L(X)" access authorization if the Restricted Data being protected is classified Confidential or a "Q" security clearance or "Q(X)" access authorization if the Restricted Data being protected is classified Secret, or

(c) With respect to Private Restricted Data, possess a Private Restricted Data Access Authorization for the specific Private Restricted Data.

§ 95.31 Access to Restricted Data.

(a) Except as the Commission may authorize, no person subject to the regulations in this part shall permit any individual to have access to Restricted Data in his possession unless the individual:

(1) Is an employee of a Government agency who has been granted security clearance and who requires access to the Restricted Data in connection with his official duties; or

(2) Has been certified to the Commission by DoD or NASA and the individual needs such access in connection with his duties as certified by DoD or NASA; or

(3) Is a Commission contractor employee, who has been granted appropriate access authorization for access to the Restricted Data and who requires access to the Restricted Data in the course of the performance of his duties; or

(4) Has appropriate access authorization and, in the case of information in Category C–91 of Appendix A to Part 25 and Secret Restricted Data, the Access Permittee determines that the individual requires the access in the course of his duties.

(b) Except as the Commission may authorize, no person subject to the regulations in this part and Part 26 of this chapter shall permit any individual to have access to Restricted Data in his possession unless the individual:

(1) Is an AEC employee who requires access to the Restricted Data in connection with his official duties; or

(2) Is a Commission contractor employee, who has been granted appropriate access authorization and who requires access to the Restricted Data in the course of the performance of his duties; or

(3) Is an employee of the U.S. Patent Office, who has been granted security clearance and who requires access to the Restricted Data in connection with his official duties; or

(4) Has been granted a Private Restricted Data Access Authorization for the specified Private Restricted Data.

(c) Inquiries concerning the clearance status of individuals, the scope of Access Permits, or the nature of contracts should be addressed to the Commission Office administering the Access Permit or the contract. Inquiries concerning Private Restricted Data Access Authorizations should be addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Manager.

§ 95.32 Classification and preparation of documents.

(a) *Classification.* (1) Restricted Data originated by an Access Permittee must be appropriately classified. "Guide to the Unclassified Fields of Research" will be furnished each Access Permittee. In the event an Access Permittee originates information within the definition of Restricted Data (§ 95.3(q)) or information which he is not positive is not within that definition and "Guide to Unclassified Fields of Research" does not provide positive classification guidance for such information, he shall designate the information as Confidential Restricted Data and request classification guidance from the USAEC through the Classification Officer at the Operations Office administering the permit, who will refer the request to the Director, Division of Classification, U.S. Atomic Energy Commission, Washington, D.C. 20545 if he does not have authority to provide the guidance.

(2) Private Restricted Data must be appropriately classified. Classification guidance is available from the Director, Division of Classification, U.S. Atomic Energy Commission, Washington, D.C. 20545 or the Classification Officer at any AEC Operations Office.

(b) *Classification consistent with content.* Each document containing Restricted Data shall be classified according to its own content.

(c) *Document which custodian believes improperly classified or lacking appropriate classification markings.* If a person receives a document which in his opinion is not properly classified, or omits the appropriate classification markings, he shall communicate with the sender and suggest the classification which he believes to be appropriate. Pending final determination of proper classification, such documents shall be safeguarded with the highest classification in question.

(d) *Classification markings.* Unless otherwise authorized below, the assigned classification of a document shall be conspicuously marked or stamped at the top and bottom of each page and on the front cover, if any, and the document shall bear the following additional markings on the first page and on the front cover:

RESTRICTED DATA

This document contains Restricted Data as defined in the Atomic Energy Act of 1954. Its transmittal or the disclosure of its contents in any manner to an unauthorized person is prohibited.

(e) *Documentation.* (1) All Secret documents shall bear on the first page a properly completed documentation stamp such as the following:

This document consists of _____ pages. Copy No. _____ of _____ Series _____

(2) The series designation shall be a capital letter beginning with the letter "A" designating the original set of copies prepared. Each subsequent set of copies of the same documents shall be identified by the succeeding letter of the alphabet.

(f) *Letter of transmittal.* A letter transmitting Restricted Data shall be marked with a classification at least as high as its highest classified enclosure. When the contents of the letter of transmittal warrant lower classification or require no classification, a stamp or marking such as the following shall be used on the letter:

When separated from enclosures handle this document as _____.

(g) Permanently fastened documents. Classified books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped with the assigned classification in letters at least one fourth (¼) inch in height at the top and bottom on the outside front cover, on the title page, on the front page and on the inside and outside of the back cover. The additional markings referred to in paragraph (d) of this section shall be placed on the first page and on the front cover.

(h) Physically connected documents. The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. It shall bear only one overall classification, although pages, paragraphs, sections, or

components thereof may bear different classifications. Each document separated from the file or group shall be handled in accordance with its individual classification.

(i) Attachment of security markings. Documents which do not lend themselves to marking or stamping shall have securely affixed or attached a tag, sticker, or similar device bearing the appropriate security markings.

§ 95.33 External transmission of documents and material.

(a) *Restrictions.* (1) Documents and material containing Restricted Data shall be transmitted only to persons who possess appropriate clearance, access authorization or Private Restricted Data Access Authorization and are otherwise eligible for access under the requirements of § 95.31.

(2) In addition, such documents and material shall be transmitted only to persons who possess facilities for their physical security consistent with this part. Any person subject to the regulation in this part who transmits such documents or material shall be deemed to have fulfilled his obligations under this subparagraph by securing a written certification from the prospective recipient that such recipient possesses facilities for its physical security consistent with this part.

(3) Documents and material containing Restricted Data shall not be exported from the United States without prior authorization of the Commission.

(b) *Preparation of documents.* Documents containing Restricted Data shall be prepared for transmission outside an individual installation in accordance with the following:

(1) They shall be enclosed in two sealed opaque envelopes or wrappers.

(2) The inner envelope or wrapper shall be addressed in the ordinary manner and sealed with tape, the appropriate classification shall be placed on both sides of the envelope and the additional marking referred to in § 95.32(d) shall be placed on the side bearing the address.

(3) The outer envelope or wrapper shall be addressed in the ordinary manner. No classification, additional marking or other notation shall be affixed which indicates that the document enclosed therein contains classified information or Restricted Data.

(4) A receipt, which identifies the document, the date of transfer, the recipient and the person transferring the document shall accompany the document and shall be signed by the recipient and returned to the sender whenever the custody of a Secret document is transferred.

(c) *Preparation of material.* Material, other than documents, containing Restricted Data shall be prepared for shipment outside an individual installation in accordance with the following:

(1) The material shall be so packaged that the classified characteristic will not be revealed.

(2) A receipt which identifies the material, the date of shipment, the recipient, and the person transferring the material shall accompany the material and the recipient shall sign such receipt whenever the custody of Secret material is transferred.

(d) *Methods of transportation.* (1) Secret documents and material shall be transported only by one of the following methods:

(i) Registered mail.

(ii) Railway or air express in "Armed Guard Service" or "Armed Surveillance Service".

(iii) Individuals possessing appropriate AEC security clearance or access authorization who have been given written authority by their employers and individuals possessing appropriate Private Restricted Data Access Authorization.

(2) Confidential documents and material shall be transported by one of the methods set forth in subparagraph (1) of this paragraph or by one of the following methods:

(i) Certified or first-class mail, if approved by the Manager of Operations administering the Permit. Certified or first-class mail may not be used in any transmission of Confidential documents to Alaska, Hawaii, the Canal Zone, Puerto Rico, or any U.S. territory or possession.

(ii) Railway or air express "Protective Signature Service"; railway express "Recorded Tally Service"; airlines "Protective Signature Service," when available; rail or motor vehicles in sealed car or sealed van service; or services providing equivalent protection.

(iii) Material in less than carload, truckload, or planeload lots, by regular commercial carrier when the container and its contents weigh more than 500 pounds and such container is locked and sealed.

(e) *Transmission by cryptographic means.* Cryptographic systems shall not be used for the transmission of Restricted Data unless approved by the Commission.

(f) *Telephone conversations.* No discussion of classified information is permitted during a telephone conversation.

§ 95.34 Accountability for Secret documents.

Each person subject to this regulation possessing documents containing Secret Restricted Data shall establish a document accountability procedure and shall maintain records to show the disposition of all such documents which have been in his custody at any time.

§ 95.35 Authority to reproduce.

Nothing in this part shall be deemed to prohibit any person possessing documents containing Restricted Data from reproducing any Confidential documents, or any Secret documents originated by him. He shall not reproduce any other documents containing Secret Restricted Data without prior authorization from the Commission or from the originator of the document.

§ 95.36 Changes in classification.

Documents containing Restricted Data shall not be downgraded to a lower classification or declassified except as authorized by the Commission. Requests for downgrading or declassification shall be submitted to the AEC's Operations Office administering the Permit; the U.S. Atomic Energy Commission, Declassification Branch, Oak Ridge Operations Office, Post Office Box E, Oak Ridge, Tenn. 37831, or U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Division of Classification. If the Commission approves a change of classification or declassification, the previous classification marking shall be canceled and the following statement, properly completed, shall be placed on the first page of the document:

Classification canceled (or changed to) _____

(Insert appropriate classification)

by authority of _____

(Person authorizing change in classification)

by _____

(Signature of person making change and date thereof)

Any person making a change in classification or receiving notice of such a change shall forward notice of the change in classification to holders of all copies as shown on his records.

§ 95.37 Destruction of documents or material containing Restricted Data.

(a) Documents containing Restricted Data may be destroyed only by shredding and burning, pulping, or by any other method that assures complete destruction of the information. If the document contains Secret Restricted Data, a permanent record of the subject, title, or report number of the document, its date of preparation, its series designation and copy number, and the date of destruction shall be signed by the person destroying the document and shall be maintained in the office of the last custodian.

(b) Restricted Data contained in material, other than documents, may be destroyed only by a method that assures complete obliteration, removal, or destruction of the Restricted Data.

§ 95.38 Suspension or revocation of access authorization or Private Restricted Data Access Authorization.

In any case where the access authorization or the Private Restricted Data Access Authorization of an individual subject to the regulations in this part is suspended or revoked in accordance with the procedures set forth in Part 10 of this chapter, such individual shall, upon due notice from the Commission of such suspension or revocation and demand by the Commission, deliver to the Commission any and all documents or materials in his possession containing Restricted Data for safekeeping and such further disposition as the Commission determines to be just and proper.

§ 95.39 Expiration, suspension or revocation of Access Permits.

(a) Upon expiration of an Access Permit, the person to whom such permit has been issued may, except as provided in paragraph (b) of this section: (1) Deliver all documents or materials in his possession containing Restricted Data to

the Commission or to a person authorized to receive them and file with the Commission a certificate of nonpossession of Restricted Data; (2) destroy them, and file with the Commission a certificate of nonpossession; or (3) file with the Commission a certified inventory of Restricted Data attached to a request for approval of retention of such data. A person retaining Restricted Data must maintain an active Access Permit unless otherwise authorized by the Commission. Only such individuals having such clearance for access to Restricted Data as the Commission may prescribe shall have access to such Restricted Data.

(b) In any case where an Access Permit has expired or has been suspended or revoked and the Commission has determined that further possession by the former Access Permittee of documents or materials containing Restricted Data would endanger the common defense and security, such former Access Permittee shall upon due notice from the Commission of such expiration, suspension, or revocation and of such determination, deliver to the Commission any and all documents or materials in his possession containing Restricted Data for safekeeping and such further disposition as the Commission determines to be just and proper.

§ 95.40 Expiration, suspension or revocation of Dissemination Permits or Private Restricted Data Access Authorizations.

(a) Upon expiration of a Dissemination Permit or a Private Restricted Data Access Authorization, the individual to whom such permit or access authorization has been issued may, except as provided in paragraph (b) of this section: (1) Deliver all documents or materials in his possession containing Restricted Data to the Commission or to a person authorized to receive them and file with the Commission a certificate of nonpossession of Restricted Data, or (2) destroy them and file with the Commission a certificate of nonpossession, or (3) file with the Commission a certified inventory of Restricted Data attached to a statement that all Restricted Data in his possession will be retained and safeguarded as the Commission requires. Only such individuals having such clearance for access to Restricted Data as the Commission may prescribe shall have access to such Restricted Data.

(b) In any case where a Dissemination Permit or Private Restricted Data Access Authorization has expired or has been suspended or revoked and the Commission has determined that further possession by the former Dissemination Permittee or individual formerly possessing the Private Restricted Data Access Authorization of documents or materials containing Restricted Data would endanger the common defense and security, such former Permittee or former access authorization holder shall upon due notice from the Commission of such expiration, suspension, or revocation and of such determination, deliver to the Commission any and all documents or materials in his possession containing Restricted Data for safekeeping and such further disposition as the Commission determines to be just and proper.

§ 95.41 Termination of employment or change of duties.

Each Access Permittee or Dissemination Permittee shall furnish promptly to the Commission written notification of the termination of employment of each individual who possesses an access authorization or Private Restricted Data Access Authorization under his Permit or whose duties are changed so that access to Restricted Data is no longer needed. Upon such notification, the Commission may (a) terminate the individual's access authorization or Private Restricted Data Access Authorization or (b) transfer the individual's access authorization to the new employer of the individual to Data where authorized pursuant to Commission regulations. Access Permittees shall also report to the cognizant AEC Operations Office at the end of each calendar year the use made of the permit and access authorizations during the year, the number of "Q(X)" and "L(X)" access authorizations received or terminated during the year and the number remaining active at the end of the year and such other information requested by the Commission for determination of the use and continuing need of the Access Permit Program.

§ 95.42 Continued applicability of the regulations in this part.

The expiration, suspension, revocation, or other termination of a security clearance, access authorization, Access Permit, Private Restricted Data Access Authorization, or Dissemination Permit shall not relieve any person from compliance with the regulations in this part.

§ 95.43 Reports.

Each person subject to these regulations shall report promptly to the Commission Office administering the Access Permit, Dissemination Permit or Private Restricted Data Access Authorization all losses of Restricted Data documents or material and to that Commission Office and the nearest office of the Federal Bureau of Investigation any alleged or suspected violation of the Atomic Energy Act or the Espionage Act.

§ 95.44 Inspection.

The Commission may make such inspections of the premises, activities, records, and procedures of any person subject to the regulations in this part as the Commission deems necessary to effectuate the purposes of the Act.

§ 95.45 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of this part. Any person who receives access to Restricted Data under an Access Permit issued pursuant to Part 25 and who willfully violates, attempts to violate or conspires to violate any provision of this part, may be guilty of a crime and upon conviction may be punished by fine or imprisonment, or both, as provided by law.

Dated at Germantown, Md., this 20th day of December 1967.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 67-15033; Filed, Dec. 27, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Reg. Docket No. 19452; EDR-132]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Proposed Identification of Nondepreciable Overhaul Values on Schedule B-43

DECEMBER 22, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 of the Economic regulations which would provide for separate reporting of nondepreciable overhaul values on schedule B-43, Inventory of Airframes and Aircraft Engines. The principal features of the proposed amendment are described in the Explanatory Statement below, and the proposed amendment is set out in the proposed rule below. The amendment is proposed under authority of sections 204(a) and 407(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the docket section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before January 17, 1968, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons in the Docket Section, Room 710- Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Schedule B-43 "Inventory of Airframes and Aircraft Engines" of Form 41 [1] does not presently provide a column for reporting nondepreciable overhaul values excluded from depreciable cost. As a result, nondepreciable overhaul values cannot always be determined from the data shown on the schedule. Of the carriers who exclude nondepreciable overhaul values from the depreciable cost of airframes and/or aircraft engines, some are including such overhaul values in column 11 "Estimated Residual Value" while others are not reporting these values at all. This amendment would add a column for reporting

[1] Filed as part of the original document.

the nondepreciable overhaul values and thus provide for uniform reporting of normal residual values and overhaul residual values. The instructions for schedule B–43 are also revised and clarified.

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241), effective December 31, 1967, as follows:

1. Amend section 23 by revising the instructions for schedule B–43 to read as follows:

SCHEDULE B–43—INVENTORY OF AIRFRAMES AND AIRCRAFT ENGINES

(a) This schedule shall be filed by all route air carriers.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) The indicated data shall be reported for each individual airframe, identified by type, model, and design of cabin as to use for passengers exclusively, cargo exclusively, or both passengers and cargo in combination. Data pertaining to aircraft engines shall be reported on a group basis by type of engine and by type of aircraft to which related.

(d) Data in this schedule shall be grouped and subtotaled as between data pertaining to airframes and data pertaining to aircraft engines. Data pertaining to nonoperating airframes and aircraft engines shall be reported in a group below the data for operating equipment.

(e) The data to be reported shall include owned and rented airframes and aircraft engines currently in operation or in conversion. Data pertaining to rented airframes and aircraft engines shall be listed in columns 1 through 7 and in column 14; the cost of improvements thereto shall be listed in columns 8 through 13.

(f) Column 8, "Cost" shall agree in totals for owned and operating airframes and aircraft engines, respectively, with corresponding amounts reflected in accounts 1601 and 1602 in column 7 of schedule B–5 as at December 31 of the reporting year.

(g) Column 9, "Reserve for Depreciation" shall include the accumulations of all provisions for losses due to use and obsolescence as recorded in balance sheet accounts 1611 Reserve for Depreciation-Airframes and 1612 Reserve for Depreciation-Aircraft Engines.

(h) Column 10, "Depreciated Cost" shall reflect Cost (col. 8) less Reserve for Depreciation (col. 9).

(i) Column 11, "Estimated Residual Value" shall reflect in dollars the residual value assigned to airframes and aircraft engines respectively, exclusive of any amount reported in columns 12 and 14, respectively.

(j) Column 12, "Overhaul Value Not Depreciable" shall reflect the overhaul value excluded from computations of airframe and aircraft engine depreciation.

(k) Column 13, "Estimated Depreciable Life (Months)" shall reflect the estimated depreciable life of each airframe and each group of aircraft engines.

(l) Column 14, "Flight Equipment Airworthiness Reserves or Maintenance Liability" shall include amounts accumulated for owned airframes and aircraft engines in account 1629 Flight Equipment Airworthiness Reserves and amounts accumulated for leased airframes and aircraft engines in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities.

(m) Totals for owned operating equipment shall agree with property and equipment accounts 1601 Airframes; 1611 Reserve for Depreciation-Airframes; 1602 Aircraft Engines; 1612 Reserve for Depreciation-Aircraft Engines; and 1629 Flight Equipment Airworthiness Reserves. The airworthiness liabilities for rented equipment included in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities shall be shown in column 14.

2. Amend section 33 by revising the instructions for schedule B–43 to read as follows:

SCHEDULE B–43—INVENTORY OF AIRFRAMES AND AIRCRAFT ENGINES

(a) This schedule shall be filed by each supplemental air carrier.

(b) The indicated data shall be reported for each individual airframe, identified by type, model, and design of cabin as to use for passengers exclusively, cargo exclusively, or both passengers and cargo in combination. Data pertaining to aircraft engines shall be reported on a group basis by type of engine and by type of aircraft to which related.

(c) Data in this schedule shall be grouped and subtotaled as between data pertaining to airframes and data pertaining to aircraft engines. Data pertaining to nonoperating airframes and aircraft engines shall be reported in a group below the data for operating equipment.

(d) The data to be reported shall include owned and rented airframes and aircraft engines currently in operation or in conversion. Data pertaining to rented airframes and aircraft engines shall be listed in columns 1 through 7 and in column 14; the cost of improvements thereto shall be listed in columns 8 through 13.

(e) Column 8, "Cost" shall agree in totals for owned and operating airframes and aircraft engines, respectively, with corresponding amounts reflected in accounts 1601 and 1602 in column 7 of schedule B–5 as at December 31 of the reporting year.

(f) Column 9, "Reserve for Depreciation" shall include the accumulations of all provisions for losses due to use and obsolescence as recorded in balance sheet accounts 1611 Reserve for Depreciation-Airframes and 1612 Reserve for Depreciation-Aircraft Engines.

(g) Column 10, "Depreciated Cost" shall reflect Cost (col. 8) less Reserve for Depreciation (col. 9).

(h) Column 11, "Estimated Residual Value" shall reflect in dollars the residual value assigned to airframes and aircraft engines respectively, exclusive of any amount reported in columns 12 and 14, respectively.

(i) Column 12, "Overhaul Value Not Depreciable" shall reflect the overhaul value excluded from computations of airframe and aircraft engine depreciation.

(j) Column 13, "Estimated Depreciable Life (Months)" shall reflect the estimated depreciable life of each airframe and each group of aircraft engines.

(k) Column 14, "Flight Equipment Airworthiness Reserves or Maintenance Liability" shall include amounts accumulated for owned airframes and aircraft engines in account 1629 Flight Equipment Airworthiness Reserves and amounts accumulated for leased airframes and aircraft engines in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities.

(l) Totals for owned operating equipment shall agree with property and equipment accounts 1601 Airframes; 1611 Reserve for Depreciation-Airframes; 1602 Aircraft Engines; 1612 Reserve for Depreciation-Aircraft Engines; and 1629 Flight Equipment Airworthiness Reserves. The airworthiness liabilities for rented equipment included in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities shall be shown in column 14.

3. Revise schedule B–43—Inventory of Airframes and Aircraft Engines of CAB Form 41 by redesignating present columns (12) and (13) as (13) and (14), respectively, and adding new column (12) entitled "Overhaul Value not Depreciable", as shown in the exhibit attached hereto and incorporated herein.[1]

[F.R. Doc. 67–15054; Filed, Dec. 27, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 17935; FCC 67–1375]

DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICES

Increase of Maximum Radio Channel Bandwidth

In the matter of amendment of Part 21 of the Commission's rules to increase the maximum radio channel bandwidth to 3.5 MHz in the 2110–2200 MHz frequency band, Docket No. 17935, RM–1188.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it a joint petition filed July 25, 1967, by the United Telephone Company of Arkansas, United Telephone of Kansas, Inc., and United Telephone Company of Missouri to ament § 21.703(g) of its rules and regulations to increase the maximum radio channel bandwidth authorized in the 2110–2200 MHz frequency band allocations for the Domestic Public Point-To-Point Microwave Radio Services from 0.8 MHz to 3.5 MHz.

3. In support of their position, the petitioners state that little use is presently being made of frequencies in the 2110–2200 MHz band largely because the voice channel capacity that can be derived within a bandwidth of 0.8 MHz is not adequate to meet most initial light density common carrier route requirements and falls far short of most 10-year traffic projections. Consequently, common carriers are bypassing the 2110–2200 MHz band and using the higher, more congested, microwave bands for their light density routes.[2] The petitioners also note that the higher microwave bands are intended for high density broadband systems and not for light density systems.

4. The petitioners would alleviate this situation by increasing the maximum bandwidth authorized in the 2110–2200 MHz band to 3.5 MHz. Engineering studies accompanying the petition indicate that the 3.5 MHz bandwidth could accommodate a basic 132 medium performance voice channel system or a maximum of 252 channels for a short haul medium

[1] Filed as part of the original document.

[2] Petitioners appear to consider light density routes as those with an ultimate requirement of approximately 200 voice channels and point out that the light density requirement anticipated by the Commission when it assigned the current 0.8 MHz (800 kc) allowable bandwidth has not developed.

performance system whereas the 0.8 MHz bandwidth limits the practical capacity of a system to 24 voice channels.[3] The petitioners further state that radio multiplexing equipment presently available can economically provide for this increase in voice channels. The petitioners contend that this increase in bandwidth would bring about a more efficient use of spectrum space in that it would result in greater utilization of frequencies in the 2110–2200 MHz band which at present are relatively unused[4] and would reduce the demand for frequencies in the higher microwave bands for systems which do not require broadband capability.

5. Comments on the rule making petition were received by the Commission from United Telephone Company of the Northwest, Farinon Electric, Carolina Telephone and Telegraph Co., and G.T. & E. Service Corp.[5] The comments were in general agreement with the petition and all favored the proposed amendment to increase the allowable radio channel bandwidth to 3.5 MHz in the 2110–2200 MHz band.

6. The Commission has become increasingly aware of the relative lack of use of the 2110–2200 MHz band. The Commission is also concerned that light density systems requiring radio, in most circumstances, have no recourse other than to use the higher microwave bands (4, 6, and 11 GHz) which are intended primarily for systems with wideband requirements. Continued expansion of facilities in the higher bands by the common carriers, coupled by the sharing of the four and six GHz bands with satellite communications, has resulted in a scarcity of available frequencies in these latter bands. It would appear that the recommended inducement to the common carriers to use the 2110–2200 MHz band would help to alleviate this problem as well as stimulate interest in the band.

7. Therefore, a proposed amendment to § 21.703(g) of the Commission's rules to increase the maximum bandwidth authorized to 3.5 MHz in the 2110–2200 MHz band is offered for comment. In addition, the Commission proposes an amendment to Note 3 under § 21.701 of its rules to reflect a maximum radio channel bandwidth of 3.5 MHz in the 2110–2200 MHz band (thus conforming it with the proposed amendment of § 21.701) and to remove certain other restrictions which appear to impede use of the band.

8. The proposed amendments to the Commission's rules are set forth below.

9. Authority for the proposed amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 19, 1968, and reply comments on or before January 29, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, and comments filed should be furnished the Commission.

Adopted: December 20, 1967.

Released: December 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 21 of the Commission's rules is proposed to be amended as follows:

1. Note 3 under § 21.701(a) is amended as follows:

§ 21.701 Frequencies.

(a) * * *

[3] Television transmission in this band is not authorized and radio frequency channel widths shall not exceed 3.5 MHz.

* * * * * *

2. Section 21.703(g) is amended to read as follows:

§ 21.703 Bandwidth and emission limitations.

* * * * * *

(g) The maximum bandwidth authorized in this service in the following frequency bands shall not exceed the limits set forth below:

Frequency band (MHz)	*Authorized bandwidth (MHz)*
2,110– 2,200	3.5
3,700– 4,200	20
5,925– 6,875	30
10,700–11,700	50
13,200–13,250	25
17,700–19,300	100
19,400–19,700	100
27,525–31,300	200
38,600–40,000	200

* * * * * *

[3] The engineering studies were based on the Commission's standards pertaining to necessary bandwidth contained in Part 2 of its rules and recommendations of the International Radio Consultive Committee and the International Telegraph and Telephone Consultive Committee.

[4] A November count of the FCC Frequency List registration cards shows only 265 common carrier frequency assignments in this band.

[5] The comments submitted by G.T. & E. Service Corp. were not timely filed but have been considered.

[6] Commissioner Cox concurring and issuing a statement filed as part of the original document and Commissioner Johnson concurring in the result.

[F.R. Doc. 67–15064; Filed, Dec. 27, 1967; 8:50 a.m.]

[47 CFR Part 73]

[Docket No. 17873; RM–320]

STANDARD BROADCAST STATIONS OPERATED BY REMOTE CONTROL

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission rules and regulations to permit standard broadcast stations operated by remote control to transmit telemetry signals directly related to the technical operation of the broadcast station, Docket No. 17873, RM–320.

1. On November 15, 1967, the Commission adopted a notice of proposed rule making, which looked toward the amendment of Part 73 of the rules to permit the licensee of a standard broadcast station to transmit low-frequency tones on the broadcast carrier for the purpose of conveying, to a remote control point, information as to the functioning of the transmitter plant. December 26, 1967, was set as the deadline for receiving comments in this proceeding, and January 5, 1968, for receiving reply comments.

2. On December 15, 1967, WGN Continental Broadcasting Co., licensee of WGN, Chicago, Ill., filed a petition for extension of time for filing comments. In its petition, WGN notes that we have requested information in several important areas, and in view of the complexity and importance of the matters involved, it requests additional time for the study of the proposed amendment by its engineers.

3. We are of the view that the 30-day extension requested by WGN is reasonable, and that a grant of its petition would be in the public interest.

4. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is extended from December 26, 1967, to January 25, 1968, and the time for filing reply comments is extended from January 5, 1968, to February 5, 1968.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: December 19, 1967.

Released: December 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67–15020; Filed, Dec. 27, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[No. MC-C-1 (Sub-No. 3)]

ST. LOUIS, MO.-EAST ST. LOUIS, ILL. COMMERCIAL ZONE

Redefinition of Limits

DECEMBER 22, 1967.

Redefinition of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone heretofore defined in MC-C-1 (Sub-No. 2), St. Louis, Mo.-East St. Louis, Ill., commercial zone 105 M.C.C. 193 at page 197.

Petitioner: ACME FAST FREIGHT, INC., Petitioner's representative: G. M. Rebman, 314 North Broadway, St. Louis, Mo. By petition filed August 7, 1967, Acme Fast Freight, Inc., requests the Commission to reopen the above proceeding for the purpose of redefining the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone which were most recently defined on June 6, 1967, in St. Louis, Mo.-East St. Louis, Ill., commercial zone, 105 M.C.C. 193 at pages 197 and 198 (49 CFR 1048.3) so as to include therein the Valley Junction Railroad Yards at Centerville, Ill.

As presently defined, the St. Louis, Mo.-East St. Louis, Ill., commercial zone includes, in part, the municipality of East St. Louis, Ill., which is bounded on the west, in part, by 21st Street. Petitioner requests the Commission to include within the zone an area bounded by a line as follows: Beginning at the intersection of Baker Avenue and 26th Street (the corporate limit of East St. Louis, Ill.), southwesterly along Baker Avenue to its junction with Owen Street, thence southwesterly along Owen Street to its junction with Church Road, thence southeasterly along Church Road to its junction with Illinois Avenue, thence southwesterly along Illinois Avenue to the southwesterly side of the right-of-way of the Illinois-Central Railroad Co., thence along the southwesterly side of the right-of-way of the Illinois-Central Railroad Co. to the corporate limits of East St. Louis, Ill., thence along the corporate limits of East St. Louis, Ill., to the point of beginning.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, may do so by the submission of written data, views, or arguments. An original and 11 copies of such data, views, or arguments shall be filed with the Commission on or before January 31, 1968. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-15038; Filed, Dec. 27, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Order 211]

EXECUTIVE ASSIGNMENT BOARD

Establishment

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and in order to carry out the objectives of Executive Order 11315 establishing an Executive Assignment System, I hereby establish and authorize in the Treasury (1) an Executive Assignment Board, (2) an Executive Assignment Committee of that board, and (3) auxiliary boards, panels, and committees as provided in section 3 hereof. All of these units shall function in accord with regulations of the Civil Service Commission and of the Treasury Department, as approved in Civil Service Commission letter of December 5, 1967.

SECTION 1. *The Executive Assignment Board.* A. The permanent composition of the Executive Assignment Board is as follows:

Under Secretary of the Treasury.	Chairman.
Under Secretary for Monetary Affairs.	Alternate Chairman.
General Counsel	Member.
Assistant Secretaries	Members.
Commissioner of Internal Revenue.	Member.
Special Assistant to the Secretary (for Enforcement).	Member.
Fiscal Assistant Secretary.	Member.
Assistant Secretary for Administration.	Member.
Director of Personnel.	Executive Secretary.

The Office of the Director of Personnel will provide administrative support to the Board. Action may be taken for the Board between meetings as provided in the bylaws by the Chairman (or Alternate Chairman), the member whose jurisdiction is involved, the Assistant Secretary for Administration, and the Director of Personnel.

B. The Board shall have the following functions:

(a) Approval of significant executive manpower policy planning, of staffing and utilization of executives, and of filling specific positions either in the Bureaus or the Office of the Secretary, as deemed necessary by the Under Secretary or as required.

(b) Approval of Executive Assignment Committee recommendations or review of actions, as deemed necessary by the Under Secretary, or as required.

(c) Approval of other matters relating to the Executive Assignment System as requested by the Under Secretary, or as required.

(d) Performance of the function of outside search for executive talent placed upon an Executive Assignment Board by Subchapter 3 of Chapter 305 of the Federal Personnel Manual, to the extent and in the manner authorized by the Civil Service Commission.

The Executive Assignment Board will develop its bylaws and begin operations immediately. It is desirable that some of the functions of the Board evolve gradually and after careful study. Therefore, the full functions of the Board will be activated in stages, as the Board deems appropriate.

SEC. 2. *The Executive Assignment Committee.* A. The permanent composition of the Executive Assignment Committee is as follows:

Under Secretary of the Treasury.	Chairman.
Assistant Secretary for Administration	Member.
Director of Personnel	Member.

Ad hoc members shall be other members of the Board, Bureau Heads, or members of Bureau Boards and Panels. Associate Members shall be Staff Representatives in the Office of the Assistant Secretary for Administration and of Staffs in the Bureaus who will provide administrative support.

B. The Committee shall have the following functions:

(a) Executive manpower-management planning, staffing, and utilization in the Office of the Secretary and review of Bureau recommendations on these matters and on the staffing and filling of specific positions.

(b) Assessment of Office of the Secretary and Treasury Department long range executive manpower needs.

(c) Early identification of potential executive vacancies.

(d) Analysis of Office of the Secretary and Bureau executive manpower resources.

(e) Analysis of organizational structure.

(f) Review of Bureau recommendations for Outside Search.

(g) Approval of all other Executive Assignment System matters except in cases where Executive Assignment Board action is deemed necessary by the Under Secretary, or as required.

SEC. 3. *Establishment of auxiliary boards, panels, and committees.* The Executive Assignment Committee may establish auxiliary boards and subcommittees. Heads of Bureaus and Offices may establish, with the approval of the Assistant Secretary for Administration or the Director of Personnel, such auxiliary boards, panels, and committees or subcommittees as may be necessary to effectuate the Executive Assignment System.

Dated: December 21, 1967.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 67-15066; Filed, Dec. 27, 1967; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF CALIFORNIA

Oil and Gas Lease Sale

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462, 468; 43 U.S.C. sec. 1337) and the regulations issued thereunder (43 CFR Part 3380) sealed bids addressed to the Manager, Pacific Coast Outer Continental Shelf Office, Bureau of Land Management, 300 North Los Angeles Street, Room 7749, Los Angeles, Calif. 90012, will be received until 9:30 a.m., P.s.t., on February 6, 1968, for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the State of California. Bids will be opened at 10 a.m., P.s.t., on February 6, 1968, in the Renaissance Room of the Biltmore Hotel, 515 South Olive Street, Los Angeles, Calif.

On that day bids may be delivered in person to the Manager, Pacific Coast Outer Continental Shelf Office, Bureau of Land Management, at the Renaissance Room, Biltmore Hotel between 8:30 a.m., and 9:30 a.m., P.s.t. No bids received by mail or in person after 9:30 a.m., P.s.t., will be accepted.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 3382.1, 3382.3, and 3382.4. Each bidder must submit the certification required by 41 CFR 60-1.6(b) and Executive Order No. 11246 of September 24, 1965, on Form 1140-1, November 1966. Bids may not be modified or withdrawn unless written modifications or withdrawals are received prior to the end of the period fixed for the filing of bids. Bidders are warned against violation of section 1860 of Title 18 U.S.C., prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in section 2(k) of the lease agreement (Form 3380-1, February 1966). Bidders must submit with each bid one-fifth of the amount bid, in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a yearly rental or minimum royalty of $3 per acre or fraction thereof. The successful bidder will be required to pay the remainder of the bid and the first year's rental of $3 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3384.1 prior to the issuance of each lease.

Bids will be considered on the basis of the highest cash bonus offered for a tract, but no total bid amounting to less than $15 per acre or fraction thereof will be considered. The U.S. Government reserves the right to reject any and all bids

even though the bid may exceed the minimum referred to previously. Oil payments, overriding royalty, logarithmic, or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered.

A separate bid, in a separate, sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, California (insert number of tract) not to be opened until 10 a.m., P.s.t., February 6, 1968."

The tracts offered for bids are shown on official leasing maps designated Map Nos. 6A and 6B, Channel Islands Area, approved August 8, 1966, revised July 24, 1967, and are described as:

CALIFORNIA

Official Leasing Map, Channel Islands Area Map No. 6A

Tract No.	Block	Description	Acreage
Cal. 299	45N 72W 46N 72W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	4,205
Cal. 300	45N 76W S½ 46N 76W	do	3,125
Cal. 301	45N 77W 46N 77W	do	5,400
Cal. 302	46N 73W	do	3,304
Cal. 303	46N 74W	do	4,274
Cal. 304	46N 75W	do	4,471
Cal. 305	N½ 46N 76W S½ 47N 76W	All	5,760
Cal. 306	46N 78W 47N 78W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	5,670
Cal. 307	47N 72W	All	5,760
Cal. 308	47N 73W	do	5,760
Cal. 309	47N 74W	do	5,760
Cal. 310	47N 75W	do	5,760
Cal. 311	N½ 47N 76W	do	2,880
Cal. 312	47N 77W	do	5,760
Cal. 313	47N 79W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	884
Cal. 314	47N 81W	do	361
Cal. 315	48N 78W	All	5,760
Cal. 316	48N 79W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	5,330
Cal. 317	48N 80W	do	3,837
Cal. 318	48N 81W	do	5,405
Cal. 319	49N 79W	All	5,760
Cal. 320	49N 80W	do	5,760
Cal. 321	49N 81W	do	5,760
Cal. 322	52N 74W	do	5,760
Cal. 323	52N 75W	do	5,760
Cal. 324	52N 76W	do	5,760
Cal. 325	52N 77W	do	5,760
Cal. 326	52N 78W	do	5,760
Cal. 327	52N 79W	do	5,760
Cal. 328	52N 80W	do	5,760
Cal. 329	52N 81W	do	5,760
Cal. 330	53N 72W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	3,362
Cal. 331	53N 73W	do	4,946
Cal. 332	53N 74W 54N 74W	do	5,681
Cal. 333	N½ 53N 75W 54N 75W	do	3,840
Cal. 334	S½ 53N 75W	All	2,880
Cal. 335	53N 76W	do	5,760
Cal. 336	N½ 53N 77W 54N 77W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	3,851
Cal. 337	S½ 53N 77W	All	2,880
Cal. 338	N½ 53N 78W 54N 78W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	3,316
Cal. 339	S½ 53N 78W	All	2,880
Cal. 340	53N 79W 54N 79W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	5,695
Cal. 341	53N 80W	do	4,735
Cal. 342	53N 81W 54N 81W	do	4,893

CALIFORNIA

Official Leasing Map, Channel Islands Area Map No. 6

Tract No.	Block	Description	Acreage
Cal. 343	45N 58W	All	5,760
Cal. 344	45N 59W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	4,804
Cal. 345	45N 60W	do	2,726
Cal. 346	45N 61W	do	4,989
Cal. 347	45N 62W 46N 62W	do	4,345
Cal. 348	45N 65W 46N 65W	do	4,320
Cal. 349	45N 66W 46N 66W	do	5,167
Cal. 350	46N 58W	do	2,824
Cal. 351	46N 59W	All	5,760
Cal. 352	46N 60W	do	5,760
Cal. 353	46N 61W	do	5,760
Cal. 354	46N 62W	do	5,760
Cal. 355	46N 64W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	2,719
Cal. 356	46N 67W	do	2,406
Cal. 357	46N 68W 46N 69W	do	1,807
Cal. 358	46N 71W 47N 71W	do	4,709
Cal. 359	47N 58W 47N 59W	do	5,069
Cal. 360	47N 60W	All	5,760
Cal. 361	47N 61W	do	5,760
Cal. 362	47N 62W	do	5,760
Cal. 363	47N 63W	do	5,760
Cal. 364	47N 64W	do	5,760
Cal. 365	47N 65W	do	5,760
Cal. 366	47N 66W	do	5,760
Cal. 367	47N 67W	do	5,760
Cal. 368	47N 68W	do	5,760
Cal. 369	47N 69W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	5,541
Cal. 370	47N 70W	do	4,538
Cal. 371	48N 59W 49N 59W	do	3,474
Cal. 372	48N 60W	All	5,760
Cal. 373	48N 61W	do	5,760
Cal. 374	48N 62W	do	5,760
Cal. 375	48N 63W	do	5,760
Cal. 376	48N 64W	do	5,760
Cal. 377	48N 65W	do	5,760
Cal. 378	48N 66W	do	5,760
Cal. 379	48N 67W	do	5,760
Cal. 380	48N 68W	do	5,760
Cal. 381	49N 60W 50N 60W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	4,177
Cal. 382	49N 61W	All	5,760
Cal. 383	49N 62W	do	5,760
Cal. 384	49N 63W	do	5,760
Cal. 385	49N 64W	do	5,760
Cal. 386	49N 65W	do	5,760
Cal. 387	49N 66W	do	5,760
Cal. 388	49N 67W	do	5,760
Cal. 389	49N 68W	do	5,760
Cal. 390	49N 69W	do	5,760
Cal. 391	S½ 50N 61W	All those portions lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953).	2,091
Cal. 392	S½ NW¼ 50N 62W.	All	4,320
Cal. 393	50N 63W	do	5,760
Cal. 394	50N 64W	do	5,760
Cal. 395	50N 65W	do	5,760
Cal. 396	50N 66W	do	5,760
Cal. 397	50N 67W	do	5,760
Cal. 398	50N 68W	do	5,760
Cal. 399	50N 69W	do	5,760
Cal. 400	S½ 51N 65W	do	2,880
Cal. 401	51N 64W	do	5,760
Cal. 402	S½, NE¼, S½NW¼, NE¼NW¼ 51N 65W.	do	5,400
Cal. 403	S½ 51N 66W	do	2,880
Cal. 404	S½ 51N 67W	do	2,880
Cal. 405	S½, S½N½ 51N 68W.	do	4,320
Cal. 406	51N 69W	do	5,760
Cal. 407	S½ 52N 70W	do	2,880
Cal. 408	S½, NW¼, S½NE¼, NW¼NE¼, S½NE¼ NE¼, NW¼ NE¼NE¼ 52N 71W.	do	5,670

As stated on the official leasing maps, the 3-mile line shown thereon is approximate only and does not necessarily delineate such a line in its true horizontal position. In the event of a conflict between the official leasing maps and the written description, the written description shall prevail. The official leasing maps Nos. 6A and 6B, Channel Islands Area, can be purchased for 1 dollar each. The maps, copies of the lease form (Form 3380–1, February 1966) as well as the Compliance Report Certification Form (Form 1140–1, November 1966) may be obtained from the above listed manager, or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, Md. 20910.

All leases issued pursuant to this offer will be subject to the special conditions of Geological Survey Supervisory Order No. 9, which provides that platforms will be of sufficient size to accommodate 20 or more wells and that platforms will be of acceptable design, properly camouflaged, and subject to such other conditions as may be prescribed to protect aesthetic values. Operations under such leases will also be subject to provisions for the protection of fishing operations and aquatic values.

Leases which may be issued for Tracts Cal. 313, 314, 316, 317, 318, 319, 320, 321, 328, 329, 341, and 342 will be subject to the following stipulation: "The lessee, recognizing that mineral explorations and exploitation and recovery operations on the leased areas of tide and submerged lands can impede tactical military operations, hereby recognizes and agrees that the United States reserves and has the right to temporarily suspend operations of the lessee under this lease in the interests of national security requirements. Such temporary suspension of operations, including the evacuation of personnel, will come into effect upon the order of the Air Force Western Test Range Safety Officer, or higher authority, that national security interests necessitates such action. It is understood that any temporary suspension of operations ordered by said official may not exceed 72 hours, however, any suspension may be extended by order of the Secretary of Defense. During such periods equipment may remain in place."

Leases which may be issued for the tracts enumerated in the preceding paragraph and for tracts Cal. 300, 301, 302, 303, 304, 305, 306, 308, 309, 310, 311, 312, 315, 325, 326, 327, 337, 338, 339, and 340 will be subject to the following stipulation: "The lessee assumes all risk of damage or injury to any person or persons who are the agents, employees, or invitees of the lessee, its agents, subcontractors or any independent contractor doing business with the lessee in connection with any activities being performed by the lessee on the leased premises, and of any damage to any property of the lessee, its agents, employees, invitees, subcontractors or independent contractors doing business with the lessee and which occurs on the leased premises, and which injury to such person or property occurs by reason of the activities of any agency of the U.S. Government being conducted as a part of or in connection with the programs and activities of the Air Force Western Test Range, whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States or its contractors, or any of their officers, agents or employees, and whether or not based upon any concept of strict or absolute liability or otherwise; and the lessee agrees to indemnify and save harmless the United States against, and to defend at its own expense, all such claims for loss, damage, or injury sustained by the lessee, its agents, employees, invitees, subcontractors, or any independent contractors doing business with the lessee in connection with its activities on the leased premises, or their agents or employees, which such claims may arise by reason of injury or damage occurring in connection with the programs and activities of the said Air Force Western Test Range, whether the same be caused in whole or in part, by the negligence or fault of the United States or its contractors or any of their officers, agents, and employees, or based upon any concept of strict liability or otherwise."

Bidders are requested to submit their bids in the following form:

Manager, Bureau of Land Management, U.S. Department of the Interior, 300 North Los Angeles Street, Room 7749, Los Angeles, Calif. 90012.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area _____ Official Leasing Map No. _____

Tract No.	*Total Amount Bid*	*Amount Per Acre*	*Amount Submitted With Bid*

_____
(Signature)

_____
(Address)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

JOHN O. CROW,
Acting Director, Bureau of Land Management.

Approved: December 20, 1967.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 67-14966; Filed, Dec. 27, 1967; 8:45 a.m.]

[Serial No. N-1239]

NEVADA

Notice of Public Sale

DECEMBER 20, 1967.

Pursuant to the Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–27) and 43 CFR Subpart 2243, there will be offered to the highest bidder, but at not less than the appraised value, at a public sale to be held at 9:30 a.m., local time, on February 6, 1968, at the Las Vegas Convention Center, Room 14, 350 South Paradise Road, Las Vegas, Nev., the following tracts of land:

MOUNT DIABLO MERIDIAN, NEVADA

(T. 19 S., R. 60 E., sec. 32; 105 tracts)

Tract No.	Width and boundary of right-of-way reservations	Legal description	Appraised value
57	50' N., 30' W.	NW¼NW¼NE¼NE¼	$1,500
58	30' N., 30' E.	NE¼SW¼NE¼NE¼	1,400
59	50' E., 30' N.	NE¼SE¼NE¼NE¼	1,500
60	30' N., 30' W.	NW¼SE¼NE¼NE¼	1,400
61	50' E., 30' S.	SE¼SE¼NE¼NE¼	1,500
62	50' N., 30' E.	NE¼NE¼NW¼NE¼	1,500
63	50' N., 30' E.	NE¼NW¼NW¼NE¼	1,500
64	50' N., 40' W.	NW¼NW¼NW¼NE¼	1,500
65	40' W., 30' S.	SW¼NW¼NW¼NE¼	1,500
66	30' N., 30' E.	NE¼SW¼NW¼NE¼	1,400
67	40' W., 30' N.	NW¼SW¼NW¼NE¼	1,500
68	30' N., 30' W.	NW¼NE¼SW¼NE¼	1,400
69	30'W., 30'S.	SW¼NE¼SW¼NE¼	1,400
70	30'E., 30'S.	SE¼NE¼SW¼NE¼	1,400
71	30'E., 30'N.	NE¼NW¼SW¼NE¼	1,400
72	30'N., 40'W.	NW¼NW¼SW¼NE¼	1,500
73	40'W., 30'S.	SW¼NW¼SW¼NE¼	1,500
74	30'E., 30'S.	SE¼NW¼SW¼NE¼	1,400
75	30'E., 30'N.	NE¼SW¼SW¼NE¼	1,400
76	30'N., 40'W.	NW¼SW¼SW¼NE¼	1,500
77	30'E., 40'S.	SE¼SW¼SW¼NE¼	1,500
78	30'E., 30'N.	NE¼SE¼SW¼NE¼	1,400
79	30'E., 40'S.	SE¼SE¼SW¼NE¼	1,500
80	50'E., 30'N.	NE¼NE¼SE¼NE¼	1,500
81	30'N., 30'E.	NE¼NW¼SE¼NE¼	1,400
82	30'N., 30'W.	NW¼NW¼SE¼NE¼	1,400
83	30'W., 30'S.	SW¼NW¼SE¼NE¼	1,400
84	30'E., 30'N.	NE¼SW¼SE¼NE¼	1,400
85	30'N., 30'W.	NW¼SW¼SE¼NE¼	1,400
86	30'N., 30'W.	NW¼SE¼SE¼NE¼	1,400
87	30'N., 30'W.	NW¼SE¼NE¼NW¼	1,400
88	50'N., 30'E.	NE¼NE¼NW¼NW¼	1,500
89	50'N., 30'W.	NW¼NE¼NW¼NW¼	1,500
90	30'W., 30'S.	SW¼NE¼NW¼NW¼	1,400

MOUNT DIABLO MERIDIAN, NEVADA—Continued
(T. 19 S., R. 60 E., sec. 32; 105 tracts)

Tract No.	Width and boundary of right-of-way reservations	Legal description	Appraised value
91	50'N., 30'E.	NE¼NW¼NW¼NW¼	1,500
92	50'N., 50'W.	NW¼NW¼NW¼NW¼	1,500
93	30'E., 30'N.	NE¼SW¼NW¼NW¼	1,400
94	30'N., 50'W.	NW¼SW¼NW¼NW¼	1,500
95	50'W., 30'S.	SW¼SW¼NW¼NW¼	1,500
96	30'E., 20'S.	SE¼SW¼NW¼NW¼	1,400
97	30'E., 30'N.	NE¼SE¼NW¼NW¼	1,400
98	30'N., 30'W.	NW¼SE¼NW¼NW¼	1,400
99	30'E., 30'N.	NE¼NE¼SW¼NW¼	1,400
100	30'N., 30'W.	NW¼NE¼SW¼NW¼	1,400
101	30'E., 30'N.	NE¼NW¼SW¼NW¼	1,400
102	30'N., 60'W.	NW¼NW¼SW¼NW¼	1,500
103	50'W., 40'S.	SW¼SW¼SW¼NW¼	1,500
104	30'E., 40'S.	SE¼SE¼SW¼NW¼	1,500
105	40'E., 30'N.	NE¼NE¼SE¼NW¼	1,500
106	30'W., 30'S.	NW¼NE¼SE¼NW¼	1,400
107	30'W., 30'S.	SW¼SW¼SE¼NW¼	1,500
108	40'E., 30'N.	NE¼SE¼SE¼NW¼	1,500
109	30'N., 30'W.	NW¼SE¼SE¼NW¼	1,400
110	30'W., 40'S.	SW¼SE¼SE¼NW¼	1,500
111	40' E., 40' S.	SE¼SE¼SE¼NW¼	1,500
112	40' E., 40' N.	NE¼NE¼NE¼SW¼	1,500
113	40' N., 30' W.	NW¼NE¼NE¼SW¼	1,500
114	40' N., 30' E.	NE¼NW¼NE¼SW¼	1,500
115	40' N., 30' W.	NW¼NW¼NE¼SW¼	1,500
116	30' E., 30' N.	NE¼SW¼NE¼SW¼	1,400
117	30' N., 30' W.	NW¼SW¼NE¼SW¼	1,400
118	30' W., 30' S.	SW¼SW¼NE¼SW¼	1,400
119	40' N., 30' E.	NE¼NE¼NW¼SW¼	1,500
120	40' N., 30' W.	NW¼NE¼NW¼SW¼	1,500
121	30' W., 30' S.	SW¼NE¼NW¼SW¼	1,400
122	30' E., 30' S.	SE¼NE¼NW¼SW¼	1,400
123	30' E., 30' N.	NE¼SW¼NW¼SW¼	1,400
124	30' N., 50' W.	NW¼SW¼NW¼SW¼	1,500
125	30' E., 30' S.	SE¼SE¼NW¼SW¼	1,400
126	50' E., 40' N.	NE¼NE¼NE¼SE¼	1,500
127	40' N., 30' W.	NW¼NE¼NE¼SE¼	1,500
128	50' E., 30' S.	SE¼NE¼NE¼SE¼	1,500
129	40' N., 30' E.	NE¼NW¼NE¼SE¼	1,500
130	40' N., 30' W.	NW¼NW¼NE¼SE¼	1,500
131	30' E., 30' S.	SE¼NW¼NE¼SE¼	1,400
132	40' N., 30' W.	NW¼NE¼SE¼	1,500
133	30' E., 30' S.	SE¼NW¼NE¼SE¼	1,400
134	30' E., 30' N.	NE¼SW¼NE¼SE¼	1,400
135	30' E., 30' W.	NW¼SW¼NE¼SE¼	1,400
136	30' W., 30' S.	SW¼SW¼NE¼SE¼	1,400
137	50' E., 30' N.	NE¼SE¼NE¼SE¼	1,500
138	30' W., 30' S.	SW¼SE¼NE¼SE¼	1,400
139	30' S., 50' E.	SE¼SE¼NE¼SE¼	1,500
140	30' E., 40' N.	NE¼NE¼NW¼SE¼	1,500
141	40' N., 30' W.	NW¼NE¼NW¼SE¼	1,500
142	30' W., 30' S.	SW¼NE¼NW¼SE¼	1,400
143	30' E., 40' N.	NE¼NW¼NW¼SE¼	1,500
144	40' N., 40' W.	NW¼NW¼NW¼SE¼	1,500
145	30' E., 30' N.	NE¼SW¼NW¼SE¼	1,400
146	30' W., 30' S.	SW¼SW¼NW¼SE¼	1,400
147	30' S., 30' E.	SE¼SE¼NW¼SE¼	1,400
148	30' N., 30' W.	NW¼NE¼SW¼SE¼	1,400
149	40' W., 30' S.	SW¼NW¼SW¼SE¼	1,300
150	30' S., 30' E.	SE¼NW¼SW¼SE¼	1,300
151	30' E., 30' N.	NE¼SW¼SW¼SE¼	1,400
152	40' W., 50' S.	SW¼SW¼SW¼SE¼	1,400
153	30' E., 30' N.	NE¼SE¼SW¼SE¼	1,300
154	30' N., 30' W.	NW¼SE¼SW¼SE¼	1,400
155	30' W., 30' S.	SW¼SE¼SE¼	1,400
156	30' N., 30' W.	NW¼NW¼SE¼SE¼	1,400
157	30' W., 30' S.	SW¼NW¼SE¼SE¼	1,400
158	30' S., 30' E.	SE¼NW¼SE¼SE¼	1,400
159	30' W., 50' S.	SW¼SW¼SE¼SE¼	1,500
160	50' S., 30' E.	SE¼SW¼SE¼SE¼	1,500
161	50' E., 30' N.	NE¼SE¼SE¼SE¼	1,000
162	30' N., 30' W.	NW¼SE¼SE¼SE¼	1,300
163	50' S., 50' E.	SE¼SE¼SE¼SE¼	1,500

All tracts contain 2.50 acres.

No bid will be accepted for less than the appraised value. Cost of publication, if any, will be assessed proportionately among the successful bidders on the first 20 tracts sold.

Sealed or oral bids may be made by the principal or his agent. Bids for a parcel must be for all the lands in the parcel. Sealed bids will be considered only if received at the Las Vegas District Office, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108, prior to 3 p.m., on February 5, 1968. Sealed bids must be in envelopes accompanied by certified checks, post office money orders, bank drafts, or cashier's checks, made payable to the Bureau of Land Management for the amount bid. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, February 6, 1968, 9:30 a.m., Tract No. _____". Successful oral bidders at the sale will be required to pay immediately the amount thereof together with any cost of publication. Personal checks will be accepted from successful oral bidders. The right is reserved at any time to determine that the lands should not be sold or that any and all bids should be rejected.

The lands will be sold subject to a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. sec. 945); subject to existing rights-of-way; and subject to the access and utilities rights-of-way listed above. All minerals will be reserved to the United States, and withdrawn from appropriation under the public land laws.

Tracts remaining unsold at the February 6, 1968, auction, will be reoffered at 9 a.m., on the first Wednesday of the following month, and subsequent months, at the Las Vegas District Office, 1859 North Decatur Boulevard, Las Vegas, Nev., until either all tracts are sold or the sale is terminated.

For further information write: Nevada Land Office, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 67-15011; Filed, Dec. 27, 1967; 8:45 a.m.]

[C-2649]

COLORADO

Notice of Termination of Classification of Lands

DECEMBER 18, 1967.

Notice of classification of lands, Serial No. C-2649, published as F.R. Doc. No. 67-14375, at page 17627 of the issue for Saturday, December 9, 1967, is hereby canceled so far as it affects the hereinafter described lands. The segregative effect thereof will terminate upon publication of this notice in the FEDERAL REGISTER as provided by the regulations in 43 CFR 2411.2e(3)(ii):

SIXTH PRINCIPAL MERIDIAN, COLORADO
EAGLE COUNTY

T. 4 S., R. 87 W.,
Secs. 2, 11, and 14.

J. ELLIOTT HALL,
Acting State Director.

[F.R. Doc. 67-15009; Filed, Dec. 27, 1967; 8:46 a.m.]

[Serial No. I-1557]

IDAHO

Order Providing for Opening of Public Land

DECEMBER 20, 1967.

1. In an exchange of land made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272, as amended, 43 U.S.C. 315g), the following land has been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 9 S., R. 18 E.,
Sec. 16, NE¼NE¼.

The area described aggregates 40 acres.

2. The land is located in Jerome County approximately 12 miles southeast of Jerome, Idaho. The surface is rough and rocky with poor soil. Plant cover consists of cheatgrass and sagebrush. There is no public access to the land. No potential for agricultural use.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the land is hereby open to application, petition, location, and selection. All valid applications received at or prior to Jan-

uary 24, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the land were not exchanged. Therefore, the mineral status of the land is not affected by this order.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67-15060; Filed, Dec. 27, 1967; 8:50 a.m.]

[New Mexico 2738]

NEW MEXICO

Notice of Classification of Lands

DECEMBER 20, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended, for lands within Catron and Valencia Counties, New Mexico, and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 3 S., R. 4 W.,
Sec. 4 lot 3, SE¼NW¼, and NE¼SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, lots 2, 5, 6, 7, 8, E½, and SE¼NW¼;
Sec. 18, NE¼NE¼ and S½NE¼.
T. 4 S., R. 4 W.,
Sec. 6, lots 1, 2, 3, 4, 6, 7, E½SW¼, and SE¼;
Sec. 7;
Sec. 18, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.
T. 4 S., R. 5 W.,
Sec. 1, SE¼SE¼;
Sec. 12, E½NE¼ and SE¼;
Sec. 26, W½NW¼;
Sec. 27, E½NE¼.
T. 5 S., R. 3 W.,
Sec. 17, lots 3, 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 18, lots 6, 7, 8, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 19;
Sec. 20, lot 1, W½NE¼, SE¼NE¼, NW¼, and S½;
Sec. 21, lots 1, 2, 3, 4, S½N½, and N½S½;
Sec. 28, W½E½, and W½;
Secs. 29 and 30;
Sec. 31, lots 5, 6, 7, 8, 9, 12, 13, 14, W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 32, lots 1 to 6, inclusive;
Sec. 33.

The areas described aggregate 8,540.39 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 67-15061; Filed, Dec. 27, 1967; 8:50 a.m.]

[New Mexico 3689]

NEW MEXICO

Notice of Proposed Classification

DECEMBER 20, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands in Torrance and Valencia Counties, N. Mex.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex., and the Roswell District Office, 1902 South Main, Roswell, N. Mex. 88201.

For a period of 60 days from the date of this publication interested parties may submit comments to the district manager of the Roswell District Office.

The lands affected by this proposal are located in Lea and Guadalupe Counties, and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 5 N., R. 16 E.,
Sec. 5, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 8, N½, and SW¼;
Sec. 9, NW¼;
Sec. 11, W½SE¼;
Sec. 14, W½E½;
Sec. 18, lots 1, 2, 3, 4, E½, and E½W½.
T. 6 N., R. 16 E.,
Sec. 31, SE¼SW¼;
Sec. 35, E½NE¼.
T. 25 S., R. 35 E.,
Sec. 24, S½SE¼;
Sec. 25, S½.
T. 26 S., R. 36 E.,
Secs. 17 and 29;
Sec. 31, lot 4.

The areas described aggregate 3,999.25 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 67-15062; Filed, Dec. 27, 1967; 8:50 a.m.]

ELKO DISTRICT OFFICE

Change of Mailing Address

Notice is hereby given that the mailing address of the Elko District Office, Bureau of Land Management, in Elko, Nev., is changed effective Monday, January 15, 1968. The new mailing address will from that date forward be Bureau of Land Management, Elko District Office, 2002 Idaho Street, Elko, Nev. 89801. The use of Post Office Box 592, Elko, Nev., is being discontinued and the last official mail collection from Post Office Box 592 will be at 10 a.m., on January 12, 1968.

Dated: December 19, 1967

J. KENT GILES,
District Manager.

[F.R. Doc. 67-15010; Filed, Dec. 27, 1967; 8:46 a.m.]

Fish and Wildlife Service

SNAKE CREEK NATIONAL WILDLIFE REFUGE, N. DAK.

Notice of Name Change to Audubon National Wildlife Refuge

Notice is hereby given that the Snake Creek National Wildlife Refuge, established May 25, 1956, shall hereafter be known as the Audubon National Wildlife Refuge.

This name change is in honor of John James Audubon, whose writing and painting did so much to create an interest in wildlife in the American people. Mr. Audubon visited this area in 1843 while on one of his most important journeys.

J. P. LINDUSKA,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 4, 1967.

[F.R. Doc. 67-15008; Filed, Dec. 27, 1967; 8:46 a.m.]

Office of the Secretary

ELMER S. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 5, 1967.

Dated: December 5, 1967.

ELMER S. HALL.

[F.R. Doc. 67-15012; Filed, Dec. 27, 1967; 8:46 a.m.]

ALVIN C. HOPE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of November 21, 1967.

Dated: December 13, 1967.

ALVIN C. HOPE.

[F.R. Doc. 67-15013; Filed, Dec. 27, 1967; 8:46 a.m.]

WILLIAM R. REMALIA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 15, 1967.

Dated: December 5, 1967.

WILLIAM R. REMALIA.

[F.R. Doc. 67-15014; Filed, Dec. 27, 1967 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

HAY ON DIVERTED ACREAGE IN DESIGNATED COUNTIES

Notice of Authorization for Grazing and Harvesting

Notice is hereby given that the Secretary of Agriculture has authorized the grazing or harvesting of hay, as indicated, on acreage designated as diverted from the production of crops under the Soil Bank Program (Part 750 of Chapter VII), the Cropland Adjustment Program (Part 751 of Chapter VII), the Cropland Conversion Program (Part 751 of Chapter VII), the Feed Grain Program (Part 775 of Chapter VII), and the Upland Cotton Program (Part 722 of Chapter VII), in the counties listed below. The grazing and harvesting of hay on the diverted acreage shall be subject to the terms and conditions in the regulations for each program and instructions issued with respect thereto, which are available in the county ASCS offices. The designated counties are as follows:

TEXAS

Oldham.

Signed at Washington, D.C., on December 21, 1967.

RAY FITZGERALD,
Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-15050; Filed, Dec. 27, 1967; 8:49 a.m.]

Commodity Credit Corporation

DONATING FEED TO NEEDY INDIAN LIVESTOCKMEN

Notice of Declaration of Acute Distress Area

Notice is hereby given that, pursuant to the provisions of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427, 63 Stat. 1055), and Executive Order 11336, the Secretary of Agriculture has declared the reservation and grazing lands designated for the use of the Indian tribe described below to be an acute distress area. The Secretary has authorized the donation of feed grains owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe specified below in such acute distress area.

Location of reservation and grazing lands	*Indian tribe*
1 New Mexico	Ramah Navajo
2 New Mexico	Mescalero Apache

Signed at Washington, D.C., on December 21, 1967.

RAY FITZGERALD,
Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-15051; Filed, Dec. 27, 1967; 8:49 a.m.]

Office of the Secretary

GEORGIA AND NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafternamed counties in the States of Georgia and North Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Baldwin.	Hancock.
Barrow.	Jackson.
Columbia.	Jefferson.
Cook.	McDuffie.
Decatur.	Taliaferro.
Elbert.	Warren.
Glascock.	Washington.
Greene.	

NORTH CAROLINA

Bertie.	Rockingham.
Davie.	Rowan.
Granville.	Stokes.
Iredell.	Surry.
Lee.	Yadkin.
Pitt.	Yancey.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of December 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-15052; Filed, Dec. 27, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-314]

SAFE, INC.

Notice of Receipt of Application for Facility License

Notice is hereby given that SAFE, Inc., of Galveston, Tex., pursuant to section 104.b of the Atomic Energy Act of 1954, as amended, has filed an application dated December 1, 1967, for the necessary licenses to authorize the possession, refueling, reactor startup and sea-trial testing operations of the NS *Savannah*. SAFE, Inc., is jointly owned by First Atomic Ship Transport, Inc. (FAST), and Todd Shipyards Corp. (Todd). The refueling process will be carried out at the Todd Shipyard in Galveston, Tex.

The NS *Savannah* has been operated since August 1965 by First Atomic Ship Transport, Inc. (FAST), under AEC Facility License No. NS-1.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 19th day of December 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 67-15002; Filed, Dec. 27, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19307]

SUDFLUG, SUDDEUTSCHE FLUG-GESELLSCHAFT mbH

Notice of Indefinite Postponement of Prehearing Conference

At the request of counsel for the applicant in this proceeding the Prehearing Conference scheduled for December 28, 1967, at 10 a.m. is hereby indefinitely postponed.

Dated at Washington, D.C., December 21, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-15055; Filed, Dec. 27, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15094; FCC 67M-2107]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Co. and The Western Union Telegraph Co., charges and classi-

fications for private line telegraph and private line telephotograph services furnished to the press, Docket No. 15094.

It is ordered, On the Hearing Examiner's own motion that a prehearing conference and hearing herein presently scheduled for the dates of January 4, 1968 and February 5, 1968, respectively, are continued to the dates of January 18, 1968, for the prehearing conference and February 20, 1968 for hearing, both to commence at 10 a.m., in the offices of the Commission at Washington, D.C.

Issued: December 18, 1967.

Released: December 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-15021; Filed, Dec. 27, 1967; 8:46 a.m.]

[Docket Nos. 17884, 17885; FCC 67M-2112]

BERWICK BROADCASTING CORP. AND P.A.L. BROADCASTERS, INC.

Order Scheduling Hearing

In re applications of Berwick Broadcasting Corp., Berwick, Pa., Docket No. 17884, File No. BPH-5812; P.A.L. Boardcasters, Inc., Pittston, Pa., Docket No. 17885, File No. BPH-5924; for construction permits.

It is ordered, That Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on March 12, 1968, at 10 a.m.; and that a prehearing conference shall be held on January 8, 1968, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: December 15, 1967.

Released: December 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-15022; Filed, Dec. 27, 1967; 8:46 a.m.]

[Docket Nos. 17775, 17776; FCC 67M-2123]

BIG BASIN RADIO AND BOONEVILLE BROADCASTING CORP.

Memorandum and Order Continuing Procedural Dates Including Date of Hearing

In re applications of Wheeler Mayo trading as Big Basin Radio, Sallisaw, Okla., Docket No. 17775, File No. BP-16915; Booneville Broadcasting Corp., Booneville, Ark., Docket No. 17776, File No. BP-16919; for construction permits.

Under consideration is a motion to continue hearing filed by Booneville Broadcasting Co. on December 4, 1967, an opposition to motion to continue hearing filed by Big Basin Radio on December 13, 1967, and Broadcast Bureau's comments on motion for continuance filed December 12, 1967.

The motion asks a 30-day extension of the procedural dates now scheduled, or, preferably, 30 days extension following action by the Review Board on certain petitions filed by Booneville pending before the Review Board.

On December 19, 1967, an informal conference was held to discuss the subject pleadings. The action taken below conforms to agreements reached at that conference.

It is ordered, That Big Basin Radio's motion to continue hearing is granted in part, and denied in part: *And it is further ordered,* That the dates governing procedural steps to be taken in this proceeding are modified as follows:

Preliminary exchange of direct case continued from December 15, 1967, to January 8, 1968.

Final exchange of direct case continued from January 4, 1968, to January 22, 1968.

Hearing continued from January 10, 1968, to January 30, 1968.

Issued: December 21, 1967.

Released: December 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-15023; Filed, Dec. 27, 1967; 8:47 a.m.]

[Docket Nos. 17856, 17857; FCC 67M-2116]

BLANCETT BROADCASTING CO. AND BRECKINRIDGE BROADCASTING CO.

Order Continuing Prehearing Conference

In re applications of J. C. Blancett trading as Blancett Broadcasting Co., Hardinsburg, Ky., Docket No. 17856, File No. BPH-5815; Dr. O. C. Carter, Paul Fuqua, and Dr. Robert D. Ingram doing business as Breckinridge Broadcasting Co., Hardinsburg, Ky., Docket No. 17857, File No. BPH-5927; for construction permits.

It is ordered, That the prehearing conference heretofore scheduled for December 28, 1967, in the above-entitled proceeding is hereby continued to January 3, 1968, commencing at 9 a.m.

Issued: December 20, 1967.

Released: December 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-15024; Filed, Dec. 27, 1967; 8:47 a.m.]

[Docket No. 17861, FCC 67M-2120]

GENERAL ELECTRIC CABLEVISION CORP.

Order Continuing Hearing

In re petition by General Electric Cablevision Corp., Merced, Calif., for authority pursuant to § 74.1107 of the rules to operate a CATV system in the Fresno, Calif., television market (ARB 90), Docket No. 17861, File No. CATV 100-62.

It is ordered, Pursuant to agreements reached at the prehearing conference held on December 20, 1967, that the evidentiary hearing in the above-entitled proceeding now scheduled for January 8, 1968, is continued to January 30, 1968, beginning at 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: December 20, 1967.

Released: December 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-15025; Filed, Dec. 27, 1967; 8:47 a.m.]

KCIL, INC., AND LA-TERR BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: KCIL, Inc., Houma, La., Has: 107.1 mc, No. 296; 3 kw; 140 ft., Requests: 104.1 mc, No. 281; 80 kw; 355 ft., Docket No. 17911, File No. BPH-5914; La-Terr Broadcasting Corp., Houma, La., Requests: 104.1 mc, No. 281; 56.5 kw; 325.4 ft., Docket No. 17912, File No. BPH-6009; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above-captioned and described applications for construction permits.

2. KCIL, Inc.'s, application to change from its present operation on Class A Channel 296 to Class C Channel 281 is mutually exclusive within La-Terr's new application for Channel 281 in that operation by the applicants as proposed would cause mutually destructive interference.

3. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221

(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 19, 1967.

Released: December 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-15026; Filed, Dec. 27, 1967; 8:47 a.m.]

[Docket Nos. 17898, 17899; FCC 67M-2110]

LEBANON BROADCASTING CO. AND RISNER BROADCASTING CO.

Order Scheduling Hearing

In re applications of Lebanon Broadcasting Co., Lebanon, Mo., Docket No. 17898, File No. BPH-5167; Risner Broadcasting, Inc., Lebanon, Mo., Docket No. 17899, File No. BPH-5207; for construction permits.

It is ordered, That Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on March 4, 1968, at 10 a.m.; and that a prehearing conference shall be held on January 9, 1968, commencing at 9 a.m.; *And, it is further ordered,* That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: December 13, 1967.

Released: December 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-15027; Filed, Dec. 27, 1967; 8:47 a.m.]

[Docket Nos. 17918—17920; FCC 67-1329]

LITTLE DIXIE RADIO, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Little Dixie Radio, Inc., Sallisaw, Okla., Requests: 1510 kc, 1 kw, 500 w (CH), Day, Docket No. 17918, File No. BP-16768; Ozark Broadcasting Co., Inc., Ozark, Ark., Requests: 1540 kc, 500 w, Day, Docket No. 17919, File No. BP-16797; Alcuin C. Wiederkehr, Leo J. Wiederkehr, and John Hilton doing business as Hilton and Wiederkehr Enterprises, Ozark, Ark., Requests: 1510 kc, 1 kw, 250 w (CH), Day, Docket No. 17920, File No. BP-16814; for construction permits.

1. The Commission has before it the above-captioned and described applications. The application of Hilton and Wiederkehr Enterprises (Hilton) is mutually exclusive with both the application of Ozark Broadcasting Co., Inc. (Ozark) and that of Little Dixie Radio, Inc. (Little Dixie), in that simultaneous operation of the stations as proposed would result in prohibited overlap of contours as defined in § 73.37(a) of the Commission's rules.

2. Also before the Commission are: (a) Petitions to Deny the application of Hilton and Ozark, filed by Gordon Hixson, trading as Logan County Broadcasting Co., licensee of Station KCCL, Paris, Ark.; (b) a Supplement to Petition to Deny, filed by KCCL against Hilton; (c) Hilton's opposition to the KCCL petitions; (d) a reply to the opposition by KCCL; (e) a "Petition to Require Proof of Performance" filed by WLAC, Inc., licensee of Station WLAC, Nashville, Tenn., directed to the Little Dixie application; and (f) a Petition for Consolidated Hearing, filed by Giant Broadcasting Co. No opposition pleadings have been filed by Ozark in response to the KCCL petition and Little Dixie has not responded to the WLAC petition. None of the applicants have replied to the Giant petition.

3. Petitioner Logan County Broadcasting Co. (KCCL) claims standing as a party in interest within the meaning of section 309(d) of the Communications Act on the basis of the proximity of Paris, KCCL's station location, to Ozark and the fact that petitioner and the two Ozark applicants would place 2 mv/m signals over the other's city of identification. Petitioner alleges that a grant of either application would divert advertising revenue from KCCL and would have an adverse economic impact on the station. Since the proposed stations would compete directly with petitioner's station for listening audience and revenues, we find that KCCL is a "party in interest" within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

4. In its petitions, KCCL states that Paris and Ozark are situated about 15 miles apart in adjacent Logan and Franklin Counties. Petitioner alleges that between the 1950 and 1960 census these counties had respective declines in population of 21 and 17 percent[1]; that there is high unemployment and economic decline in the area; that local advertising revenue is not sufficient to support a second station; and that if either the Ozark or Hilton applications are granted, KCCL will suffer substantial economic injury. Petitioner argues that two stations cannot survive in this area and that the listening public will ultimately suffer if both stations must compete for potential revenues sufficient to support only the existing operation.

5. In support of these allegations, petitioner estimates that approximately $100,000 is spent yearly on all forms of advertising in Logan and Franklin Counties and that during the past 3 years KCCL has sold advertising to more than 80 percent of the business establishments in the area. Petitioner operated at a profit in 1963 and 1964, but suffered a net loss in 1965.[2] KCCL's revenues in 1965 totalled $24,986 of which 15.1 percent was attributable to advertising from the Ozark community. With the advent of an Ozark station, petitioner claims it will lose between 13 and 17 percent of its total annual revenues. As Exhibit C to its petition to deny the Ozark application, petitioner lists 22 firms which would allegedy shift all their advertising commitments to an Ozark station and 18 of its present subscribers who would split their advertising between KCCL and a new Ozark facility. Although KCCL is the only radio station located in the Paris or Ozark vicinity, petitioner argues that it is already in direct competition for local advertising revenue with five area newspapers and a total of seven AM, FM, or television broadcast services from Fort Smith, Ark.

6. KCCL contends that Ozark and the surrounding area are already well served by its efforts and that any division of present revenues caused by the advent of a new station would cause both facilities to operate at a loss, thereby diminishing the quality of service to the public. In this regard, petitioner argues that the quality of his service has been excellent, public service announcements and programs at times accounting for "50 percent of petitioner's typical broadcast weeks." With loss of revenues petitioner suggests that a reduction in staff might be necessary, and since as of 1965 KCCL was operating with only four full-time and one part-time employee, further cutbacks could not be accomplished. The only other alternative according to petitioner would be a curtailment of some $2,225 per year for news wire service subscription.

7. Although its petitions nowhere cite the case, presumably KCCL is requesting designation of the Ozark and Hilton applications for hearing on the Carroll issue,[3] i.e., to determine whether there are sufficient revenues in the area to support another station without a net loss of service to the public. In Missouri-Illinois Broadcasting Co., FCC 64-748, adopted July 29, 1964, 3 RR 2d 232, the Commission set out the type of specific

[1] According to the 1960 census, the respective populations in question are: Paris, 3007; Logan County, 15,957; Ozark, 1965; and Franklin County, 10,212.

[2] According to its petition, KCCL's profits were $3,070 in 1963 and $10,574 in 1964, while in 1965 the station operated at a loss of $258 although more recent financial data was not included in the petition itself, information on file shows that KCCL operated at a profit once again in 1966.

[3] Carroll Broadcasting Company v. Federal Communications Commission, 103 U.S. App. D.C., 346, 258 F 2d 440, 17 RR 2066 (1958).

economic data necessary to support a request for a Carroll issue. Subsequently, the Court of Appeals held that the Commission could not demand of Carroll petitioners "exact calculation" or "preknowledge of the exact economics of the situation" which would occur after grant of the proposed station. Folkways Broadcasting Co., Inc., v. FCC, 375 F 2d 299, 8 RR 2d 2089 (1967). In the present case, however, petitioner, while apparently attempting to provide economic data pertinent to a Carroll issue, has fallen far short of the specific criteria set forth in the Missouri-Illinois opinion. Certain information specifically requested by the Commission in that case is absent from KCCL's various petitions. For example, no information is provided concerning the total amount of retail sales in the Ozark area during the past 3 years. Moreover, petitioner's data on the area's economy and population figures are not current. Reliance is placed on Government statistics no more recent than 1960 and 1962. This deficiency is especially pertinent because the applicant Hilton in its opposition to KCCL argues that the area is experiencing substantial economic growth, and these allegations are supported by more recent statistics than those provided by KCCL.[4] Furthermore, many of petitioner's allegations are far too generally stated. Often they are of a conjectural nature and without proper substantiation. KCCL's estimate of $100,000 annually spent in the area for all forms of advertising is unsupported. Likewise its claim of sales of past broadcast time to 80 percent of the area businesses is not substantiated by documentation of any sort. Petitioner concludes that certain advertisers will "probably" split or shift their patronage to a proposed Ozark facility merely because of their location in Ozark or because of financial interests in one of the Ozark applicants. There is no evidence that petitioner interviewed these advertisers as to their intentions. Moreover, a complete shift by Ozark advertisers is doubtful in light of petitioner's own contention that the communities of Paris and Ozark are in close contact in the same general market area.

8. Assuming, arguendo, that KCCL would be hurt financially by the advent of local service in Ozark, petitioner has nonetheless failed to explain how a grant of the Hilton or Ozark applications would be detrimental to the public interest. As stated by the Court of Appeals in the Carroll case, private economic injury is in itself far from conclusive of public detriment: "Competitors may severely injure each other to the great benefit of the public." Carroll Broadcasting Company, supra, 258 F 2d at 443, 17 RR at 2068. Petitioner argues, however, that any further loss of revenues, which he claims are already at peak levels, would mean a loss of ability to operate profitably and that this in itself would be a detriment to the listening public. But the Commission is afforded no details as to a possible loss or cutback of public service programing or spot announcements.[5] No specific discontinuation or shifts in public service programing or total program format and policies are mentioned. KCCL's only statement in this connection is the hint that wire service may have to be discontinued, but there is no showing in detail why, how, or if in fact this would occur. Furthermore, assuming that KCCL would be forced to curtail certain programs, it has advanced no reason why a newcomer could not take up the slack. In summary, the Commission cannot find that KCCL has raised substantial and material questions of fact relevant to the area's ability to sustain another station without a net loss or degradation of service to the public.[6] Accordingly, the petition with respect to a Carroll issue will be denied.

9. Additionally, KCCL's petition directed against Ozark requests an issue in regard to that applicant's ability to operate the proposed station for 1 year without additional revenue. Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965). By amendment filed on December 12, 1965, Ozark attempted to meet most of the objections raised by the petitioner. However, examination of the amended Ozark application as well as study of the financial statements submitted by the other applicants indicates among other things that they are not current. Accordingly, it will be necessary for all the applicants to amend their proposals to establish their financial qualifications in hearing, and financial issues will be included.

10. The Commission is unable to determine from the aerial photograph submitted with Ozark's application whether the proposed transmitter site is satisfactory with regard to any conditions that may exist in the vicinity of the antenna system. Therefore, an appropriate issue with regard to this matter will be specified.

11. Ozark's application provides initially for only three employees to staff its daytime operation. These are a general manager, a combined station manager and program director, and an engineer. Although the applicant proposes only 2.75 percent live programing per week, the Commission nevertheless believes that an issue as to the adequacy of Ozark's staff must be added. In answer to Question 12 of section IV of its application, Ozark states that "other personnel will be employed as needed." This statement is too vague to satisfy the Commission's doubts as to Ozark's ability to operate as proposed, and accordingly a staffing issue will be included. Spanish International, FCC 64R–239, 2 RR 2d 853 (1964).

12. With regard to the Little Dixie application, Station WLAC, Nashville, Tenn. (1510 kc, 50 kw, DA–N, U, Class I–B) has filed a petition requesting that if the applicant is granted a construction permit, it be required to submit proof-of-performance and additionally to demonstrate that radiation toward WLAC during the critical hours does not exceed 130.8 mv/m, the maximum permissible radiation toward WLAC under § 73,187. The petition is directed toward Dixie's proposed 500 watt operation during critical hours. WLAC disputes neither the proposed antenna efficiency of 127 mv/m determined from Figure 8 of the Commission's rules, nor the applicant's contention that the maximum permissible radiation toward the WLAC 0.1 mv/m contour is 130.8 mv/m pursuant to § 73.187 of the rules. WLAC notes that § 73.182(i) of the rules states that Figure 8 is only an estimate, and that the difference between 127 mv/m and 130.8 mv/m allows for an error of only 3 percent. WLAC therefore requests that the applicant be required to make proof-of-performance measurements to determine whether compliance with § 73.187 is met. The petitioner's argument is reasonable insofar as it requests that a condition be included to insure that radiation does not exceed the proposed 127 mv/m. Therefore, in the event of a grant of the Little Dixie proposal, the construction permit will be so conditioned.

13. The final petition to be considered is that filed by Giant Broadcasting Co. (Giant) requesting that it be designated for consolidated hearing with the instant applicants. Petitioner is itself an applicant for a new standard broadcast station at Ozark, Ark., to be operated on 1060 kc, with power of 5 kw, daytime only.[7] While conceding that its application involves no electrical interference with the Hilton and Ozark proposals (which are over 400 kilocycles removed), Giant nevertheless contends that it is entitled to consolidation with them based on considerations involving section 307(b). Petitioner's argument is that in the event either of the instant Ozark applications is granted prior to a decision

[4] Hilton alleges that a special census taken in Ozark in 1965 shows a population increase of 268 over the previous year. Similarly Hilton cites new housing development in the area as well as an increase in retail business establishments from 80 in 1964 to 117 in 1966. Noteworthy with reference to the economic condition of the Ozark area is the fact that two additional standard broadcast applications for the vicinity (aside from the instant Hilton and Ozark proposals) have also recently been filed with the Commission. See applications of Booneville Broadcasting Corp., Booneville, Ark. (BP–16919) and Giant Broadcasting Co., Ozark, Ark. (BP–17102). KCCL offers no explanation for this current demand for broadcast facilities in a community that is allegedly economically depressed.

[5] In this regard it should be noted that KCCL's claim that its public service broadcasting has at times reached a maximum of 50 percent of its broadcast week appears greatly exaggerated in light of its submitted program log.

[6] Recently, for substantially the same reasons, we denied a similar petition by KCCL attempting to raise a Carroll issue against an applicant for a new station in another town (Booneville, Ark.) within KCCL's service area. Big Basin Radio, FCC 67–9092, adopted Sept. 27, 1967.

[7] The Giant application (BP–17109) is mutually exclusive with standard broadcast applications filed by Babcom, Inc., for a facility in Springfield, Mo. (BP–16908) and Upshur Broadcasting Co., Inc., for Gilmer, Tex. (BP–16982). The Commission has designated these applications for consolidated hearing in an order adopted concurrently with this designation.

in the prospective comparative hearing involving Giant and the mutually exclusive Babcom and Upshur proposals, then petitioner's 307(b) merits vis-a-vis these applicants would be adversely affected.[8] Brainerd Broadcasting Company, 38 FCC 1195, 5 RR 2d 351 (1965), is cited as support for this proposition. Additionally, Giant argues that the limited population of Ozark and Franklin County suggests that the area can support only one local service without a degradation of programing and that consolidation is required to determine which of the requested facilities in Ozark would best serve the public interest.

14. The Commission finds that petitioner's reliance on Brainerd Broadcasting Co., supra, is not justified by the facts of the present case. Brainerd held that applicants were entitled to comparative consideration where a grant of one would so operate to deprive the other of a significant element of "efficiency" that it would in fact have a "substantial and material" adverse effect upon the other's prospects for success. The Commission in Brainerd carefully limited its holding to the unusual facts and circumstances of that case which dealt with an applicant's prospects of showing under a § 73.24(b) issue that its proposal would not constitute an inefficient allocation, notwithstanding the receipt of extensive nighttime interference. In keeping with this limitation, the Brainerd opinion has never been extended to 307(b) considerations as proposed by Giant.

15. Of continuing authority in this regard is Big Sioux Broadcasting Co., 12 FCC 146, 3 RR 1407 (1947), which held that the 307(b) requirement of equitable distribution of facilities does not demand a consolidated hearing of applications not in conflict. In Big Sioux, as here, it was argued that the Commission could not proceed separately with other applications if this would weaken petitioner's 307(b) showing, even where the separately treated proposals involved no engineering conflict amounting to mutual exclusivity. Likewise, Giant urges that, since it faces a 307(b) issue as a result of mutual exclusivity with the Babcom and Upshur proposals, it is entitled to a comparative hearing with all other applicants for the Ozark area even though its proposal involves no engineering conflict with them. Petitioner is, in effect, proposing an unwarranted extension of the Supreme Court's holding in the Ashbacker case[9] since that case was specifically limited to applicants proposing mutually exclusive operations. In rejecting the same contention made by Giant, the Commission in Big Sioux held that applications not involving engineering conflict were not entitled to comparative consideration where the only justification for such consideration was that a prior grant of one application might have some bearing on a 307(b) issue confronting the other applicant in an unrelated proceeding. In actuality, Giant is asking the Commission to preserve the status quo by keeping any and all usable broadcast signals out of its proposed service area until its application has been granted or denied. To proceed in this fashion would inevitably retard assignments and "render the Communications Act incapable of administration, rather than * * * promote an equitable allocation of facilities". Big Sioux Broadcasting Co., supra, at 149, 3 RR at 1411.

16. Petitioner's reference to the Carroll case, supra, and the alleged inability of Franklin County to support two stations is totally unsupported by any specific data whatsoever. Furthermore, petitioner is a mere applicant, without the requisite interest contemplated by the Carroll requirement that only an existing station may offer to prove that the economic effect of two or more stations would be detrimental to the public interest. In light of these inadequacies, the Commission finds that Giant has failed to allege any substantial or material questions of fact and, accordingly, its petition will be denied.

17. Except as indicated by the issues specified below, the applicants are qualified, but, since the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposals and the availability of other primary service to such areas and populations.

2. To determine whether any of the applicants are financially qualified to construct and operate their proposed station.

3. To determine whether the transmitter site proposed by Ozark Broadcasting Co., Inc., is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

4. To determine whether Ozark Broadcasting Co., Inc., in view of its proposal as to staff, is qualified to operate its station in the manner proposed.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

6. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That the petition to deny the Hilton application filed by Gordon Hixson is denied; that the petition to deny the Ozark application also filed by Gordon Hixson is granted to the extent that it requests imposition of a financial issue and is denied in all other respects.

It is further ordered, That the petition for consolidated hearing filed by Giant Broadcasting Co., is denied.

It is further ordered, That the petition to require proof of performance and restriction of radiation filed by WLAC, Inc., is granted.

It is further ordered, That, in the event of a grant of any of the applications the construction permit shall contain the following condition:

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

It is further ordered, That in the event of a grant of the application of Little Dixie Radio, Inc., the construction permit shall contain the following condition:

Before program tests are authorized, permittee shall submit sufficient field intensity measurement data to establish that the inverse distance field intensity at 1 mile towards Station WLAC, Nashville, Tenn., is essentially 127 mv/m 500 watts as proposed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 13, 1967.

Released: December 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-15023; Filed, Dec. 27, 1967; 8:47 a.m.]

[8] Giant fails to recognize its mutual exclusivity with the Babcom application. Reference is made only to a prospective consolidated hearing with Upshur. This apparent oversight does not change the fact that the 307(b) argument voiced by Giant would apply to comparative considerations with regard to both the Babcom and the Upshur proposals.

[9] Ashbacker Radio Corp. v. Federal Communications Commission, 326 U.S. 327 (1945).

[1] Concurring Statement of Commissioner Cox filed as part of the original document.

[Docket Nos. 17896, 17897; FCC 67M-2111]

LUCAS TOMAS MUNIZ AND ARECIBO BROADCASTING CORP.

Order Scheduling Hearing

In re applications of Lucas Tomas Muniz, Toa Alta, P.R., Docket No. 17896, File No. BPH-5625; Arecibo Broadcasting Corp., Inc., Manati, P.R., Docket No. 17897, File No. BPH-5897; for construction permits.

It is ordered, That Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therin shall be convened on March 13, 1968, at 10 a.m.; and that a prehearings therein shall be convened on March 11, 1968, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: December 13, 1967.

Released: December 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-15029; Filed, Dec. 27, 1967; 8:47 a.m.]

[Docket Nos. 17886-17888; FCC 67M-2113]

OUTER BANKS RADIO CO. ET AL.

Order Scheduling Hearing

In re applications of Douglas Lystra Craddock and Lacy Phil Wicker, doing business as OUTER BANKS RADIO CO., Wanchese, N.C., Docket No. 17886, File No. BP-16917; J. M. Farlow and William D. Mills, doing business as ONSLOW COUNTY BROADCASTERS, Midway Park, N.C., Docket No. 17887, File No. BP-17272; HENDON M. HARRIS, Maysville, N.C., Docket No. 17888, File No. BP-17275; for construction permits.

It is ordered, That Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on March 1, 1968, at 10 a.m.; and that a prehearing conference shall be held on January 9, 1968, commencing at 9 a.m.; *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: December 15, 1967.

Released: December 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-15030; Filed, Dec. 27, 1967; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

A/B ATLANTTRAFIK AND SEA LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9681 between A/B Atlanttrafik (Atlanttrafik Express Service) (Atlanttrafik) and Sea-Land Service, Inc. (Sea-Land), provides for the transportation of cargo on prepaid through bills of lading from loading ports of Sea-Land in the Commonwealth of Puerto Rico to ports of call of Atlanttrafik in the Commonwealth of Australia and various South Pacific Islands with transshipment at New York, N.Y., under terms and conditions as set forth in said agreement.

Dated: December 22, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-15056; Filed, Dec. 27, 1967; 8:49 a.m.]

SEATRAIN LINES, INC., AND SEAWAY LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement 9686 between Seatrain Lines, Inc., and Seaway Lines, Inc., establishes a through billing arrangement from port of New York to ports in the West Indies with transshipment at the port of San Juan, P.R., in accordance with terms and conditions set forth in the agreement.

Dated: December 22, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-15057; Filed, Dec. 27, 1967; 8:49 a.m.]

SEAWAY LINES, INC., AND SEATRAIN LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement 9685 between Seaway Lines, Inc., and Seatrain Lines, Inc., establishes a through billing arrangement from ports in the West Indies to the port of New York with transshipment at San Juan, P.R., in accordance with terms and conditions set forth in the agreement.

Dated: December 22, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-15058; Filed, Dec. 27, 1967; 8:49 a.m.]

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

PUBLIC AFFAIRS ADVISER

Notice of Basic Compensation

Pursuant to the provisions of section 309 of Public Law 88-426, as modified by the Federal Employees Salary Act of 1967, notice is hereby given that the basic compensation of the Public Affairs Adviser of the U.S. Arms Control and Disarmament Agency has been fixed at the rate of $27,055 per annum, effective October 8, 1967.

Dated: December 18, 1967.

WILLIAM C. FOSTER,
Director.

[F.R. Doc. 67-15018; Filed, Dec. 27, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1135]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 22, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 13250 (Sub-No. 85) (Republication), filed July 20, 1966, published FEDERAL REGISTER issues of August 18, 1966, September 14, 1966, and republished this issue. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Houston, Tex. 77026. Applicant's representative: Thomas E. James, 904 Lavaca Boulevard, Austin, Tex. 78701. By application filed July 20, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of transporting earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, to, from, or between points substantially as indicated below. A report of the Commission, Review Board Number 4, decided December 5, 1967, and served December 13, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *earth drilling machinery and equipment, and* (2) *machinery, equipment, materials, supplies, and pipe incidental to,* used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from, to, or between the points as described below:

(1) Between points in Arkansas, California, Kansas, Louisiana, New Mexico, Oklahoma, and Texas; (2) between points in California and Texas, on the one hand, and, on the other, points in Arizona, Colorado, and Utah; (3) between points in Texas, on the one hand, and, on the other, points in Wyoming and Montana; (4) between points in Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, and Nebraska; (5) between points in Nevada, on the one hand, and, on the other, points in Idaho, Wyoming, Utah, Colorado, Arizona, and New Mexico, restricted against the transportation of shipments moving between points in California, on the one hand, and, on the other, points in Nevada; (6) between points in California, south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, Calif., on the one hand, and, on the other, Casper, Wyo.; (7) (a) between points in Nevada, (b) between points in Nevada, on the one hand, and, on the other, points in Wyoming, Colorado, Montana, North Dakota, South Dakota, and Utah, (c) between points in Idaho, (d) between points in Idaho, on the one hand, and, on the other, points in Wyoming, Colorado, Montana, North Dakota, South Dakota, and Utah, (e) between points in California, on the one hand, and, on the other, points in Wyoming, Colorado, North Dakota, and South Dakota; (8) (a) between points in Alabama, Florida, and Georgia, (b) between points in Texas, on the one hand, and, on the other, points in Alabama, Florida, and Georgia, (c) between Anderson, Angelina, Bell, Bosque, Bowie, Brazos, Burleson, Camp, Cass, Cherokee, Collin, Cooke, Coryell, Dallas, Denton, Ellis, Falls, Fannin, Freestone, Franklin, Grayson, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jasper, Johnson, Kaufman, Lamar, Leon, Liberty, Limestone, Madison, Marion, Milam, Montague, Montgomery, McLennan, Macogdoches, Navarro, Newton, Orange, Panola, Parker, Polk, Rains, Red River, Robertson, Rockwell, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Somervell, Smith, Tarrant, Titus, Trinity, Tyler, Van Zandt, Walker, Waller, Washington, Wise, and Wood Counties, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, and Oklahoma;

(9) Between points in San Juan, Rio Arriba, and McKinley Counties, N. Mex., Dolores, San Miguel, Montezuma, San Juan, La Plata, and Archuleta Counties, Colo., Navajo and Apache Counties, Ariz., and San Juan County, Utah; (10) between points in Washington and Oregon, on the one hand, and, on the other, points in Colorado, Wyoming, and Utah; and, (11) (a) between points in Illinois, Indiana, Louisiana, Kentucky, Missouri, and Tennessee, (b) between points in Oklahoma, on the one hand, and, on the other, points in Illinois, Indiana, Louisiana, Kentucky, Missouri, and Tennessee; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 83539 (Sub-No. 193) (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. By application filed July 21, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) earth drilling machinery and equipment, and (2) machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and, (d) the injection or removal of commodities into or from holes or wells, to, from, or between points substantially as indicated below. A report

of the Commission, Review Board Number 4, decided December 5, 1967, and served December 13, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *earth drilling machinery and equipment, and* (2) *machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with* (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment.

(b) The completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from, to, or between the points as described below: (1) (a) Between points in Kansas, New Mexico, Texas, Oklahoma, and Louisiana, (b) between points in New Mexico, Texas, and Oklahoma, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Mississippi, and Arkansas, and (c) between points in Illinois, Indiana, Kentucky, Mississippi, and Arkansas; (2) (a) between points in Wisconsin, on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, and Wyoming, and (b) between points in Oklahoma, on the one hand, and, on the other, points in North Dakota and South Dakota; (3) between points in Nevada, on the one hand, and, on the other, points in Oklahoma, Kansas, Texas, New Mexico, and Colorado; (4) (a) from Oil City and Braddock, Pa., to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, North Dakota, Oklahoma, and Wyoming, (b) from points in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Oklahoma, and Texas to Oil City and Braddock, Pa., and (c) from Wichita Falls, Tex., to points in Pennsylvania (except Oil City and Braddock). Restriction: The authority herein shall not be tacked or joined with carrier's other authorized operations for the purpose of conducting through operations. (5) (a) From points in Ohio to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and (b) from Tulsa, Okla., to points in Ohio; (6) between points in Texas, on the one hand, and, on the other, points in Oregon and Washington. Restriction: The authority granted herein is restricted against the tacking of the authority to transport commodities, the transportation of which require the use of special equipment, and parts of such commodities when moving in the same shipment, any of which have an origin or destination at points in Illinois, Indiana, or Ohio, with any other authority now held by carrier for the purpose of providing a through service.

(7) Between points in Texas, on the one hand, and, on the other, points in Colorado, Montana, Utah, and Wyoming; (8) between points in Alaska, on the one hand, and, on the other, points in the continental United States south of the southern United States-Canada boundary line and west of the Mississippi River (except points in Minnesota, Iowa, Missouri, Nebraska, Idaho, and California), and points in Wisconsin, Illinois, Michigan, Ohio, Pennsylvania, and West Virginia; (9) between Coffeyville, Kans., and Bartlesville and Tulsa, Okla., on the one hand, and, on the other, points in Michigan and West Virginia; (10) (a) between Houston, Tex., and Memphis, Tenn., on the one hand, and, on the other, points in Dyer County, Tenn., Mobile County, Ala., and Levy, Dade, Nassau, and Suwannee Counties, Fla., (b) between points in Louisiana, Arkansas, Oklahoma, Texas, and Mississippi, on the one hand, and, on the other, points in Alabama, Georgia, Florida, and Tennessee, and (c) between points in Alabama, Georgia, Florida, and Tennessee; (11) between points in Kansas and Oklahoma, on the one hand, and, on the other, points in Oregon and Washington; (12) between points in Michigan, on the one hand, and, on the other, points in Texas; (13) (a) from points in Texas to points in Ohio, and (b) from points in Ohio to points in Kansas and Mississippi.

Restriction: The authority herein from points in Ohio, to points in Kansas shall not be joined or tacked to carrier's other authorized operations for the purpose of conducting through operations; (14) between points in Wyoming, Colorado, Montana, North Dakota, South Dakota, and Utah; (15) (a) between points in Texas, (b) between points in New Mexico and Oklahoma, on the one hand, and, on the other, points in that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75, including points on the indicated portions of the highways specified, (c) between points in Texas within an area bounded on the east by U.S. Highway 281, extending from the Texas-Oklahoma State line to junction U.S. Highway 290, at or near Johnson City, and on the south by U.S. Highway 290 to its junction with U.S. Highway 377, and then by U.S. Highway 377 to the Mexico-Texas border, (d) between points in Eddy, Lea, and Roosevelt Counties, N. Mex., on the one hand, and, on the other, points in Texas within an area bounded on the east by U.S. Highway 281, extending from the Texas-Oklahoma State line to junction U.S. Highway 290, at or near Johnson City, and on the south by U.S. Highway 290 to its junction with U.S. Highway 377 and then by U.S. Highway 377 to the Mexico-Texas border, (e) between points in New Mexico and Oklahoma, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming, and (f) between points in that part of Texas north of U.S. Highway 80, and west of U.S. Highway 75, and within an area bounded on the east by U.S. Highway 281, extending from the Texas-Oklahoma State line to junction U.S. Highway 290, at or near Johnson City, and on the south by U.S. Highway 290 to its junction with U.S. Highway 377 and then by U.S. Highway 377 to the Mexico-Texas border, including points on the indicated portions of the highways specified on the one hand, and, on the other, points in Colorado and Wyoming; and

(16) (a) Between points in Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming, (b) between points in Kansas and Oklahoma, (c) between points in Arkansas, Colorado, and Texas, on the one hand, and, on the other, points in Kansas and Oklahoma, and (d) between points in Arkansas, Colorado, and Texas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described on the findings in this order, a notice of the authoriy actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107322 (Sub-No. 92) (Republication), filed July 20, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished this issue. Applicant: BELL TRANSPORTATION COMPANY, a corporation, 1406 Hays Street, Post Office Box 8598, Houston, Tex. 77009. Applicant's representative: Thomas E. James, 904 Lavaca Boulevard, Austin, Tex. 78701. By application filed July 20, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole site, and (d) the injection or removal of commodities into or from hole or wells, to, from, or between points substantially as indicated below. A report of the Commission, Review Board Number 4, decided December 5, 1967, and served December 13, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *earth drilling machinery and equipment, and* (2) *machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with* (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b)

the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from, to, or between the points as described below:

(1) Between points in Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, North Carolina, Georgia, and Florida; (2) between Archer, Baylor, Bosque, Brown, Callahan, Coke, Coleman, Comanche, Concho, Coryell, Eastland, Erath, Fisher, Haskell, Hamilton, Hood, Jack, Johnson, Jones, Knox, Lampasas, McCulloch, Mills, Nolan, Parker, Runnels, San Saba, Shackelford, Stephens, Stonewall, Taylor, Throckmorton, Wise, and Young Counties, Tex., on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex.; (3) (a) between points in Kentucky, South Carolina, Virginia, West Virginia, Ohio, Pennsylvania, and New York, (b) between points in Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, and North Carolina, on the one hand, and, on the other, points in Kentucky, South Carolina, Virginia, West Virginia, Ohio, Pennsylvania, and New York; (4) (a) between points in Nevada, on the one hand, and, on the other, points in Montana, Utah, and Wyoming, (b) between points in Nevada, on the one hand, and, on the other, points in Kansas, Texas, and Oklahoma; and (5) between points in Illinois, Indiana, Kentucky, and Tennessee; that applicant is fit, willing, and able properly of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124692 (Sub-No. 30) (Republication), filed January 3, 1967, published FEDERAL REGISTER issue of January 26, 1967, and republished this issue. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. By application filed January 3, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities from and to the points indicated below, except metal buildings which are designed to be drawn by passenger vehicles. An order of the Commission, Operating Rights Board dated November 30, 1967, and served December 7, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *pefabricated metal buildings*, knocked down, *prefabricated metal building sections*, knocked down, *component parts thereof, equipment, materials, and supplies* used in the installation, construction, or erection thereof (except commodities which, by reason of size or weight, require special equipment or special handling), from Evansville, Wis., to points in North Dakota, South Dakota, Montana, Wyoming, Colorado, Utah, Idaho, Oregon, and Washington; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128345 (Sub-No. 1) (Republication), filed July 21, 1966, published FEDERAL REGISTER issues of April 6, 1967, May 18, 1967, May 25, 1967, and republished this issue. Applicant: OTTO SCOTT TRUCKING CO., a corporation, 517 Tennessee Avenue, Chickasha, Okla. 73018. By application filed July 21, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of piggyback trailers, loaded or empty, having a prior movement by rail, and containing general commodities when loaded, between points in described portions of Oklahoma. That by order entered herein on September 29, 1967, the application was denied for failure of applicant to submit verified statements of public witnesses in support of the application establishing with specificity the nature of the proposed service. A supplemental order of the Commission, Operating Rights Board dated November 20, 1967, and served December 8, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *general commodities* (except those of unusual value, and classes A and B explosives), restricted to the transportation of traffic having a prior or subsequent movement by rail, between points in Grady and Caddo Counties, Okla., those points in those parts of Stephens County, Okla., on and north of Oklahoma Highway 29; those points in those parts of Garvin, McClain, and Cleveland Counties, Okla., on and west of Oklahoma Highway 74; and those points in that part of Canadian County, Okla., on and west of U.S. Highway 81 and on and south of Interstate Highway 40; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 109821 (Sub-No. 25), filed December 13, 1967. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. Applicant's representative: Robert De Kroyft, 24 Branford Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those commodities injurious to other lading), (1) between Ithaca, N.Y., and Syracuse, N.Y., as follows: (a) From Ithaca over New York Highway 13 to Cortland, thence over U.S. Highway 11 to Syracuse; (b) from Ithaca over New York Highway 13 to South Cortland, thence over New York Highway 281 to junction with U.S. Highway 11 at or north of Tully, thence over U.S. Highway 11 to Syracuse, and return over the same routes, serving all intermediate points; (2) between Auburn, N.Y., and Syracuse, N.Y., as follows: (a) From Auburn over New York Highway 5 to Syracuse; (b) from Auburn over U.S. Highway 20 to Skaneateles, thence over an unnumbered highway to Marcellus, thence over New York Highway 175 and New York Highway 20N to Syracuse, and return over the same routes, serving all intermediate points; (3) between Ithaca, N.Y., and Waverly, N.Y., as follows: (a) From Ithaca over New York Highway 79 to Richford, thence over New York Highway 38 to Oswego, thence over New York Highway 17 to Waverly.

(b) From Ithaca over New York Highway 96B to Candor, thence over New York Highway 96 to Owego, thence over New York Highway 17 to Waverly; (c) from Ithaca over New York Highway 13

to Elmira, thence over New York Highway 17 to Waverly; (d) from Ithaca over New York Highway 13 to junction with New York Highway 34, thence over New York Highway 34 to Waverly, and return over the same routes, serving all intermediate points and the off-route points of Aurora, Cayuga, Kandaia, Lodi, MacDougall, Millport, Pine Valley, Sampson, Union Springs, Wellsburg, and Williard, N.Y., restricted to service between the authorized points on said routes, on the one hand, and, on the other, points in Nos. (1) and (2) above; (4) between Ithaca, N.Y., and Auburn, N.Y., as follows: (a) From Ithaca over New York Highway 96 to Waterloo Junction, thence over U.S. Highway 20 and New York Highway 5 to Auburn; (b) from Ithaca over New York Highway 34 to Auburn; (c) from Ithaca over New York Highway 34 to junction with New York Highway 34B, thence over New York Highway 34B to junction with New York Highway 34 at Fleming, thence over New York Highway 34 to Auburn; (d) from Ithaca over New York Highway 13 to junction with New York Highway 366, thence over New York Highway 366 to junction with New York Highway 38, thence over New York Highway 38 to Auburn, N.Y., and return over the same routes, serving all intermediate points and the off-route points of Aurora, Cayuga, Kandaia, Lodi, MacDougall, Millport, Pine Valley, Sampson, Union Springs, Wellsburg, and Willard, N.Y., restricted to service between the authorized points on said routes, on the one hand, and, on the other, points in Nos. (1) and (2) above.

(5) Between Ithaca, N.Y., and Watkins Glen, N.Y., as follows: From Ithaca over New York Highway 13 to junction with New York Highway 224, thence over New York Highway 224 to Watkins Glen, and return over the same route, serving all intermediate points and the off-route points of Aurora, Cayuga, Kandaia, Lodi, MacDougall, Millport, Pine Valley, Sampson, Union Springs, Wellsburg, and Willard, N.Y., restricted to service between the authorized points on said routes, on the one hand, and, on the other, points in Nos. (1) and (2) above.

NOTE: This application is a matter directly related to MC–F–9977, published in the FEDERAL REGISTER issue of December 20, 1967. The instant application seeks to convert the certificate of registration of Ithaca Delivery, Inc., under MC 55817 (Sub-No. 3) into a certificate of public convenience and necessity. Control of the authorities of Ithaca Delivery, Inc., under MC 55817 and (Sub-No. 3) is being sought in the above referenced OR–9 application and temporary authority to control and operate the same is being sought in a concurrently filed BMC–46 application. Upon approval of this application and MC–F–9977, the authority under MC 55818 and (Sub-No. 3) will be canceled. Applicant intends to tack the authority sought herein at points in New York with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9248. (Republication) (CHICAGO-AURORA MOTOR SERVICE, INC. — Purchase (Portion) — JAMES V. SHEPLEY), published in the November 10, 1965, issue of the FEDERAL REGISTER, on page 14185. By decision and order, Review Board No. 5, adopted the order of the hearing examiner served September 12, 1967, granting the section 5 application, subject to conditions, effective January 24, 1968. Operating rights granted in No. MC–14277 Sub-1, are as follows: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Illinois within the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in that part of Illinois (including points on the indicated portions of the highways specified) bounded by a line commencing at the junction of Illinois Highway 7 and U.S. Highway 45, and extending south along U.S. Highway 45 to the Kankakee County line, thence westerly along the Kankakee County line to the Grundy County line, thence northerly along the Grundy County line to the Kendall County line, thence northerly along the Kendall County line to U.S. Highway 30, thence northwesterly along U.S. Highway 30 to the Kane County line, thence easterly along Kane County line to Du Page County line, thence easterly along the Du Page County line to the Cook County line, thence southerly along the Cook County line to junction Illinois Highway 7, and thence easterly along Illinois Highway 7 to the point of beginning.

No. MC–F–9978. Authority sought for control and merger by INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., of the operating rights and property of O. I. M. TRANSIT CORPORATION, Commerce Drive, Fort Wayne, Ind., and for acquisition by LESTER A. WILSEY, JR., also of St. Paul, Minn., of control of such rights and property through the transaction. Applicants' attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Kalamazoo, Mich., and Lansing, Mich., serving the off-route point of Byron Center, between Plainwell, Mich., and Holland, Mich., serving all intermediate points, with restrictions; between Chicago, Ill., and junction U.S. Highway 6 and Indiana Highway 9, near Kendallville, Ind., serving no intermediate points between Chicago, Ill., and junction U.S. Highways 6 and 41, serving no intermediate points, with restrictions; between Willshire, Ohio, and Chattanooga, Ohio, serving no intermediate points; over numerous alternate routes for operating convenience only; *general commodities*, between Fort Wayne, Ind., and points in Michigan and Ohio, serving off-route points within 5 miles of Fort Wayne, Ind., and Beer Field, Ind., between Ohio points, serving all intermediate points, between Sturgis, Mich., and Coldwater, Mich., serving no intermediate points; and *new furniture*, over irregular routes, from the plantsite of Lee L. Woodard Sons, Inc., at Owosso, Mich., to Lansing, Mich. INDIANHEAD TRUCK LINE, INC., is authorized to operate as a *common carrier* in Wisconsin, Minnesota, Illinois, Michigan, Iowa, South Dakota, North Dakota, Montana, Nebraska, Kansas, Indiana, Missouri, Arkansas, Kentucky, Oklahoma, Tennessee, Ohio, Colorado, Wyoming, and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9979. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, of the operating rights of HUB TRANSPORTATION CO., INC., 558 River Street, Haverhill, Mass. 01830, and for acquisition by GALEN J. ROUSH, also of Akron, Ohio, of control of such rights through the purchase. Applicants' attorney: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–97921 Sub No. 3, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–2202 Sub 237 is a matter directly related.

No. MC–F–9980. Authority sought for purchase by GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, Calif. 92803, of the operating rights and property of TRANS OCEAN VAN SERVICE OF HAWAII, c/o Joseph Rabin, 8201 Beverly Boulevard, Suite 610, Los Angeles, Calif. 90043, and for acquisition by W. C. MOEN, MAX OLSAN, D. D. HEYDLAUFF, and E. W. SCHUMACHER, all also of Anaheim, Calif., of control of such rights and property through the purchase. Applicants' attorney: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C. 20006. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*,

over irregular routes, between points in the State of Hawaii. Restriction: The operations authorized herein are restricted to the handling of traffic originating at or destined to points beyond the State of Hawaii. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska). Application has been filed for temporary authority under section 210a(b).

No. MC–F–9981. Authority sought for purchase by KENMORE TRANSPORTATION CO., 22 Eskow Road, Worcester, Mass., of the operating rights and property of R & R TRANS., INC., 340 Franklin Street, Worcester, Mass., and for acquisition by ABRAHAM SACK, 182 June Street, Worcester, Mass., of control of such rights and property through the purchase. Applicants' attorney: Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 02181. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–121045 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, New Jersey, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: MC–59720 Sub-4, is a matter directly related.

No. MC–F–9982. Authority sought for purchase by CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823, of a portion of the operating rights of BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Norfolk, Va. 23052, and for acquisition by COMMERCIAL CARRIER CORPORATION, and, in turn by GUY BOSTICK, both also of Auburndale, Fla., of control of such rights through the purchase. Applicants' attorney: M. Craig Massey, 223 South Florida Avenue (Post Office Drawer J), Lakeland, Fla. 33802. Operating rights sought to be transferred: *Canned goods*, as a *common carrier*, over irregular routes, from Cheriton and Hopeton, Va., points in Delaware, and points in Worcester, Wicomico, Somerset, Dorchester, Caroline, Talbot, and Queen Annes Counties, Md., to points in Virginia, from points in Northampton County, Va., to points in Georgia and Florida, traversing North Carolina and South Carolina for operating convenience only, from Cheriton, Va., to points in North Carolina and South Carolina; and *frozen foods*, from Crozet, Va., to points in Florida, Georgia, and South Carolina. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9983. Authority sought for purchase by WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, Pa., of the operating rights of FINTON DELIVERY, INC., 55 Linden Avenue, Salamanca, N.Y., and for acquisition by DAVID B. WORSTER, West Lake Road, Rural Delivery No. 1, North East, Pa., of control of such rights through the purchase. Applicants' Attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Buffalo, N.Y., and Lewis Run, Pa., serving Buffalo, N.Y., and Lewis Run, Pa., and all intermediate points, and off-route points of Derrick City and Rew City, Pa., between junction U.S. Highway 219 and New York Highway 18 and Franklinville, N.Y., serving Franklinville, N.Y., and all intermediate points. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Massachusetts, Alabama, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Florida, West Virginia, Illinois, Indiana, Michigan, Ohio, Maine, Minnesota, Vermont, New Hampshire, Virginia, South Carolina, Wisconsin, Kentucky, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9984. Authority sought for purchase by METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047, of the operating rights of HENRY J. BRINKER, INC. (ALFRED M. JAMES, Receiver), 75 Montgomery Street, Jersey City, N.J. 07302, and for acquisition by NICHOLAS J. MANGIONE, EDWARD MANGINO, and JOSEPH MANGINO, all also of North Bergen, N.J., of control of such rights through the purchase. Applicants' attorney and representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, and Alfred M. James, 75 Montgomery Street, Jersey City, N.J. 07302. Operating rights sought to be transferred: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y.; and *calcium carbide*, from Hillside, N.J., to Tarrytown, N.Y. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Connectictut, Pennsylvania, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9985. Authority sought for purchase by CARGO-IMPERIAL FREIGHT LINES, INC., 23 South Essex Avenue, Orange, N.J., of the operating rights of MOORE'S MOTOR EXPRESS, INC., 26 Park Place, Pascoag, R.I., and for acquisition by COOPER-JARRETT, INC., and in turn by R. E. COOPER, JR., also of Orange, N.J., of control of such rights through the purchase. Applicants' attorney: Irving Klein, 280 Broadway, New York, N.Y. 10007. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Providence, R.I., on the one hand, and, on the other, points in the towns of Burrillville, Cranston, East Providence, Gloucester, Johnston, North Providence, North Smithfield, and Smithfield, Providence County, R.I.; and under a certificate of registration, in No. MC–14529 Sub-3, covering the transportation of general commodities, as a *common carrier*, in intrastate commerce, within the State of Rhode Island. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Rhode Island, and Connecticut. Application has been filed for temporary authority under section 210a(b). NOTE: MC–114877 Sub-5 is a matter directly related.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–15042; Filed, Dec. 27, 1967; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 22, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. T–681 Sub 25, filed September 28, 1967. Applicant: HELMS MOTOR EXPRESS, INC., 1024 Rear North Second Street, Albermarle, N.C. 28001. Applicant's representative: Thomas D. Bunn, Post Office Box 527, Raleigh, N.C. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities (Group 1)*, and *Group 12 explosives and other dangerous articles*, from Charlotte, N.C., over North Carolina Highway 49 to junction of North Carolina Highway 160, thence over North Carolina Highway 160 to junction U.S. Highway 29 (at or near Charlotte), and return over the same route, serving all intermediate points. NOTE: Notice of this application was timely filed with this Commission, but inadvertently the publication was overlooked. Hearing was held on November 15, 1967, at the North Carolina Utilities Commission, Raleigh, N.C. At the hearing evidence was submitted with respect to both intrastate and interstate operations. No objections were voiced and the North Carolina Utilities Commission

found that the present and future public convenience and necessity require the proposed operations in interstate and foreign commerce as well as in intrastate commerce. This publication is being made so that any party desiring to object to these findings insofar as they relate to operations in interstate or foreign commerce, may express such objection with the Interstate Commerce Commission within 30 days from the date of this publication in the FEDERAL REGISTER.

State Docket No. T-681 (Sub-No. 26), filed December 15, 1967. Applicant: HELMS MOTOR EXPRESS, INC., North Second Street, Albemarle, N.C. Applicant's representatives: Bailey-Dixon & Wooten, 10th Floor, Insurance Building, Post Office Box 2246, Raleigh, N.C. Certificate of public convenience and necessity sought to operate a freight service as follows: (1) Transportation of *general commodities* (except those requiring special equipment over regular routes as follows): (a) From Mocksville over U.S. Highway 64 to its intersection with County Road 1306, 4 miles west of Mocksville, thence over County Road 1306, 5.6 miles to Iredell County line, thence over County Road 2126, 3.6 miles to its intersection with N.C. Highway 901, 1.4 miles south of Harmony, thence over N.C. Highway 901 to Harmony and return over same route serving all intermediate points, (b) from Harmony over N.C. Highway 901 to its intersection with N.C. Highway 115, thence over N.C. Highway 115 to North Wilkesboro, and return over same route, serving all intermediate points, (c) from North Wilkesboro over N.C. Highway 268 to its intersection with U.S. Highway 321, 6 miles north of Lenoir and return over the same route, serving all intermediate points, (d) from the intersection of U.S. Highway 601 and N.C. Highway 801, 2 miles east of Cooleemee, over N.C. Highway 801 to its intersection with U.S. Highway 158 approximately 12 miles west of Winston-Salem and return over same route, serving all intermediate points.

(e) From intersection of U.S. Highway 64 and County Road 1605, 4 miles east of Mocksville over County Road 1605, 3 miles to its intersection with County Road 1616, thence over County Road 1616, 4.7 miles to its intersection with N.C. Highway 801 at Advance and return over same route, serving all intermediate points, (f) from the intersection of Highway 901 in Iredell County with County Road 1862, thence over County Road 1862 to its intersection with County Road 1896, and return over the same route, serving all intermediate points, (2) transportation of *general commodities*, except those requiring special equipment, as set forth in Group 1 of Rule 37 of the Commission's rules and regulations for the administration and enforcement of the North Carolina Truck Act: From the intersection of North Carolina Highway 268 and Wilkes County Road Number 1957, 5.2 miles northeast of North Wilkesboro, thence over County Road 1957 to County Road 1002 over the Community of Hays, thence over County Road 1002 to its intersection with U.S. Highway 21, and return over same route serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Thursday, February 1, 1968, 10 a.m., temporary offices, North Carolina Utilities Commission, corner Edenton and Wilmington Streets, Raleigh, N.C. 27602. Request for procedural information, including the time for filing protests, concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C. 27602, and should not be addressed to the Interstate Commerce Commission.

State Docket No. T-681 (Sub-No. 27), filed December 15, 1967. Applicant: HELMS MOTOR EXPRESS, INC., North Second Street, Albemarle, N.C. Applicant's representatives: Bailey-Dixon & Wooten, 10th Floor Insurance Building, Post Office Box 2246, Raleigh, N.C. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those requiring special equipment), over regular routes between Winston-Salem and North Wilkesboro, N.C., over U.S. Highway 421, and return, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Friday, February 2, 1968, 10 a.m., North Carolina Utilities Commission, Temporary Offices, corner Edenton and Wilmington Streets, Raleigh, N.C. 27602. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C. 27602, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-15043; Filed, Dec. 27, 1967; 8:48 a.m.]

[Notice 517]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 22, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 92 TA), filed December 18, 1967. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Post Office Box 781, Elberton, Ga. 30635. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Blackshear, Ga., and Baxley, Ga., over State Highways Nos. 121 and 15, serving all intermediate points; (2) between Macon and Eastman, Ga., through Perry, Clinchfield, Hawkinsville, Cochran, Empire, Dubois, and Greston, over State Highways Nos. 11, 26, and 87; (3) between Macon and Americus, Ga., over Echeconnee, Fort Valley, Montezuma, and Oglethorpe, over State Highways Nos, 11 and 49; (4) between Atlanta and Waycross, Ga., over Newnan, Moreland, Greenville, Harris, Clipley, Columbus, Cusseta, Dawson, Cuthbert, Colquitt, Bainbridge, Cairo, Thomasville, Quitman, Valdosta, and Homerville, over State Highways Nos. 14, 41, 18, 55, 50, 1, and 33 (with closed doors between Atlanta and Columbus); with the right to operate between Valdosta and Moody Field, Ga., as an off-route point, over State Highway No. 125 and unnumbered highways; also with the right to serve Shellman, Ga., as an off-route point, over State Highway 41; (5) between Thomasville and Dawson, Ga., over Moultrie, Sylvester, and Albany, over State Highways Nos. 35, 33, and 50.

(6) Between Atlanta and Albany, Ga., over Griffin, Zebulon, Thomaston, Butler, Ellaville, and Americus, over State Highway No. 3; also between Atlanta, Ga., and the Army Depot at Conley, Ga., over State Highways Nos. 42 and 54, without the privilege of handling traffic originating in Atlanta through interchange or otherwise and destined to the Army Depot at Conley, with final destination Atlanta or for interchange in Atlanta. (7) Between Albany and Fort Gaines, Ga., over Newton, Leary, Morgan, and Edison, over State Highways Nos. 91 and 37; (8) between Albany and Thomasville, Ga., over Pelham and Camilla, over State Highway No. 3; (9) between Macon and Eastman, Ga., over Cochran, Empire, Dubois, and Greston, State Highways Nos. 19 and 87; (10) between Harris and Columbus, Ga., over Warm Springs and Waverly Hall, State Highways Nos. 41, 85W and 85 (with closed doors at Harris, Ga., except for points between Harris and Columbus), and without the right to pick up or deliver at Warm Springs, Ga., except for traffic to or from points south of Warm

Springs; (11) between Moultrie, Ga., and the U.S. Government facility known as Hawthorne Flying School, located near State Highway 33, over all available highways; (12) between Moultrie, Ga., and the U.S. Government facility known as Sunset Airport, located near State Highway No. 35, over all available highways; (13) between junction State Highways Nos. 62 and 91 and Blakely, Ga., over Leary, State Highway No. 62, serving Edison as an off-route point over State Highway No. 45; also between junction State Highways Nos. 62 and 91 and Colquitt, Ga., over Newton, State Highway No. 91; also serving Damascus, Ga., as an off-route point, over State Highway No. 45 between Arlington and Colquitt, Ga., and over State Highway No. 200 between Newton and Blakely, Ga.

(14) Between Macon and McRae, Ga., over Warner Robins, Hawkinsville, Eastman, Godwinsville, Chauncey, Suomi, Ashord, and Helena, over State Highways Nos. 11, 247, 11, and 27; (15) between Quitman and Bainbridge, Ga., over Berlin, Moultrie, Funston, Hartsfield, Camilla, and Vada, over State Highways Nos. 33, 37, and 97, with the right to operate to Sale City and Pelham, Ga., over State Highway No. 93, as off-route points; (16) between Albany and Moultrie, Ga., over Doerun and other intermediate points, over State Highway No. 133; with the right to operate between Doerun and the junction of State Highways 270 and 33 over State Highway No. 270; (17) between Valdosta, Ga., and the Georgia-Florida State line, over Clyattville, State Highway No. 31, with the right to serve the papermill near Valdosta, Ga., as an off-route point; (18) between Thomasville and Quitman, Ga., over Barwick, over State Highway No. 122 and unnumbered county highway; also between junction of State Highway 122 and unnumbered highway east of Thomasville and junction of State Highways Nos. 122 and 33, over Pavo, over State Highway No. 122; also between Barwick, Ga., and junction of State Highways Nos. 133 and 35 South of Moultrie, over State Highway No. 133; (19) between Waycross, Ga., and the Georgia-Florida State line, over Folkston, over State Highway No. 4 (U.S. 1 and U.S. 23); (20) between Atlanta, Ga., and the junction of State Highways Nos. 85 and 85W (U.S. alternate 27), over State Highway No. 85, with closed doors; (21) between Newton and Camilla, Ga., over State Highway No. 37; (22) between Waycross and Sylvester, Ga., over State Highway No. 50 (U.S. 82), serving all intermediate points, except with closed doors at Tifton for freight moving to, from, or through Valdosta, Macon, or Atlanta, and with closed doors at Tifton for freight to or from Albany.

(23) Between Atlanta and Waycross, Ga., over State Highways Nos. 42, 19, 87, 27, 19, and 4 (U.S. 23), with an alternate route between Hazelhurst and the junction of State Highways Nos. 19 and 4, over State Highway 27 (U.S. 341), and State Highway No. 4 (U.S. 1); with closed doors at all intermediate points except Hazelhurst, Ga., and except Macon, Ga., for traffic from or passing through Atlanta, Ga., and also with the right to serve Percale, Ga., between the junction of State Highways 87 and 18 and Percale, over State Highway No. 18, with open doors at Percale, Ga.; (24) between Griffin and Forsyth, Ga., over Barnesville, over State Highways Nos. 7 and 18, with closed doors at all intermediate points and at Forsyth except for the purpose of connecting with other authorized routes. Also, between Barnesville and Eastman, Ga., over State Highways Nos. 7, 11, and 27 (U.S. 341), with closed doors at all intermediate points and at Barnesville and Eastman except for the purpose of connecting with other authorized route; junction of State Highways 87 and 18 and Percale, over State Highway No. 18, with open doors at Percale, Ga.; (25) between Valdosta, Ga., and junction of State Highway Nos. 33 and 122, over State Highways Nos. 94, 76, and 122; also an alternate route between Morven and junction of State Highways Nos. 94 and 33, over extension of State Highway No. 94; (26) between Atlanta and Tucker, Ga., and points and places within 1 mile thereof, as off-route points, over all available routes from Atlanta, Ga., without the right to deliver or to originate or to interchange freight at Atlanta.

(27) Between Atlanta, Ga., and the Tucker-Stone Mountain District and/or Stone Mountain Industrial Park, over all available highways, as off-route points, for shipments originating at or destined to points on carrier's authorized routes, without the right to deliver or to originate or to interchange freight at Atlanta, Ga.; (28) between Atlanta, Ga., and the Georgia-South Carolina State line, over State Highway No. 403 (I–85), as an alternate route for operating convenience only; with entrance and exist to and from Interstate Highway No. I–85 restricted to those entrances and exists which connect directly with carrier's other authorized routes; (29) between Atlanta, Ga., and the Georgia-Florida State line, over Interstate Highway 75, as an alternate route for operating convenience only; with entrance and exist to and from Interstate Highway No. 75 restricted to those entrances and exists which connect directly with carrier's other authorized routes; (30) between Fort Valley, Ga., and Columbus, Ga., over Georgia Highway 96 to Geneva, thence over Georgia Highway 22 to Columbus, as an alternate route for operating convenience only; with entrance and exist to and from Georgia Highways Nos. 96 and 22 restricted to those entrances and exits which connect directly with carriers' other authorized routes; (31) between Macon and Savannah, Ga., over Interstate Highway 16, as an alternate route for operating convenience only; with entrance and exit to and from Interstate Highway No. 16 restricted to those entrances and exits which connect directly with carrier's authorized routes; (32) between Ellaville, Ga., and the junction of Georgia Highway 26 and Georgia Highway 1 (U.S. 27 and 280), over Georgia Highway 26 as an alternate route for operating convenience only; with entrance and exit to and from Georgia Highways Nos. 26 and 1 (U.S. 27 and 280) restricted to those entrances and exits which connect directly with carrier's other authorized routes.

(33) Between Macon, Ga., and Thomaston, Ga., over Georgia Highway 74 as an alternate route for operating convenience only; with entrance and exit to and from Georgia Highway No. 74 restricted to those entrances and exits which connect directly with carrier's other authorized routes. (34) Between Americus, Ga., and Rochelle, Ga., over Georgia Highway 27 to junction of Georgia Highway 30 (U.S. 28), and thence over Georgia Highway 30 to Rochelle as an alternate route for operating convenience only; with entrance and exit to and from Georgia Highways Nos. 27 and 30 restricted to those entrances and exits which connect directly with carrier's other authorized routes; (35) between Rhine, Ga., and Vidalia, Ga., over Georgia Highway 30 as an alternate route for operating convenience only, with entrance and exit to and from Georgia Highway No. 30 restricted to those entrances and exits which connect directly with carrier's other authorized routes; (36) between Lyons, Ga., and Savannah, Ga., over Georgia Highway No. 292 to Bellville, thence over Georgia Highway No. 30 to junction Georgia Highway 26, and thence over Georgia Highway No. 26 to Savannah as an alternate route for operating convenience only; with entrance and exit to and from Georgia Highways Nos. 292, 26, and 30, restricted to those entrances and exits which connect directly with carrier's other authorized routes; (37) between Tifton, Ga., and Moultrie, Ga., over Georgia Highway No. 35 as an alternate route for operating convenience only; with entrance and exit to and from Georgia Highway No. 35 restricted to those entrances and exits which connect directly with carrier's other authorized routes, for 180 days. Supporting shippers: There are approximately 30 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. NOTE: Applicant states to tack the authority here applied for to other authority held by it, at authorized points in Georgia. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 29555 (Sub-No. 50 TA), filed December 19, 1967. Applicant: BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requir-

ing special equipment (except those requiring temperature control), and those injurious or contaminating to other lading, as a common carrier by motor vehicle in interstate or foreign commerce serving Argonne Industrial District, Du Page Township, Will County, Ill. (plant location of Johnson & Johnson), as an off-route point in connection with applicant's authorized regular route operations between the commercial zone of Chicago, Ill., and points in Iowa, Nebraska, Minnesota, and Wisconsin, over regular routes, with no local service between the Johnson & Johnson plant-site and points in the Chicago commercial zone, for 180 days. NOTE: Applicant is for off-route authority in conjunction with present authority as delineated in Exhibit A. Supporting shipper: Johnson & Johnson, New Brunswick, N.J. Send protests to: District Supervisor, A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 66562 (Sub-No. 2280 TA), filed December 11, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Elmer F. Slovacek, Suite 1008, 105 West Madison Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service, between Minneapolis, Minn., and Kansas City, Mo.; from Minneapolis over U.S. Highway 65 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 69, thence over U.S. Highway 69 to Kansas City, and return over the same route; serving the intermediate and/or off-route points of Lakeville, Farmington, Owatonna, and Albert Lea, Minn.; Mason City, Iowa Falls, Des Moines, Chariton, Lucas, Osceola, and Corydon, Iowa; Princeton, Trenton, and Chillicothe, Mo.; alternate authority, for operating convenience only, is requested over Interstate 35, as and where opened, for 120 days. Restrictions: (1) The service to be performed by the applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. (2) Shipments transported by applicant shall be limited to those on through bills of lading or express receipts. (3) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Stephan P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 111729 (Sub-No. 254 TA), filed December 18, 1967. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy, President, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Between papers, records, and audit and accounting media of all kinds*, between Atlanta, Ga., on the one hand, and, on the other, points in Duval County, Fla., and points in Davidson County, Tenn.; (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Novi, Mich., on the one hand, and, on the other, points in Ohio, and points in West Virginia, for 150 days. Supporting shippers: J. C. Penney Co., Inc., Post Office Box 1693, Atlanta, Ga. 30301; A.B.C. Photo, Inc., 1734 West Lafayette Boulevard, Detroit, Mich. 48216. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 125608 (Sub-No. 6 TA), filed December 18, 1967. Applicant: VALER LUPU, doing business as VALER TRANSPORTATION COMPANY, 18615 Dix Avenue, Melvindale, Mich. 48122. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from St. Paul, Minn., to Detroit, Mich., under a continuing contract with Action Distributing Co., Inc., of Detroit, Mich., for 180 days. Supporting shipper: Action Distributing Co., Inc., 6011 Avery, Detroit, Mich. 48208. Send protests to: District Supervisor, Gerald J. Davis, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 126420 (Sub-No. 11 TA) (Republication), filed December 12, 1967, published in the FEDERAL REGISTER in notice No. 515, and republished this issue. Applicant: ALASKA STEAMSHIP COMPANY, Pier 42, Seattle, Wash. 98134. Applicant's representative: Edward G. Lowry III, 14th Floor, Norton Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with the usual exceptions), from Seattle, Wash., to points in Alaska over Washington Highway to Puget Sound Terminal of Alaska Marine Highway System and then over system to Alaska, and return, for 150 days. Supporting shippers: The Seattle Chamber of Commerce, Pacific Fruit and Produce, Port of Seattle, Alaska Ferry-Bellingham, Northern Commercial, Associated Grocers, American Wholesale Grocers, Northwest Furniture Manufacturers, Northwest Fisheries Association, Van Waters & Rogers, Governor Hickel of Alaska, Pacific Marine Schwabacher, West Coast Grocers, Sears Roebuck, M. L. Davies, and Alaska Distributers. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101. NOTE: The purpose of this republication is to list the supporting shippers as shown above. Also, the statements from the above-named supporting shippers may be examined at the field office named above.

No. MC 129599 TA, filed December 18, 1967. Applicant: WERMUTH CAL VAN STORAGE CO., INC., 2224 Del Monte Avenue, Monterey, Calif. 93940. Applicant's representative: Berol, Loughran & Geernaert, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 MCC 467 between points in Monterey, Santa Cruz, San Benito, and San Luis Obispo Counties, Calif., for 180 days. Supporting shippers: Asiatic Forwarders Inc., 335 Valencia Street, San Francisco, Calif. 94103; HC&D Moving & Storage Co., Inc., 22 Julian Avenue, San Francisco, Calif. 94103. Send protests to: District Supervisor, William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 129603 TA, filed December 19, 1967. Applicant: JOSEPH MOVING AND STORAGE CO., INC., doing business as ST. JOSEPH MOTOR LINES, 643 10th Street NW., Atlanta, Ga. 30318. Applicant's representative: O. H. Weaver, Jr., Post Office Box 58, Griffin, Ga. 30223. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *New furniture, kitchen cabinets, sink tops, and office and store fixtures*, (1) from points in Georgia and South Carolina to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Washington, D.C., and (2) from points in Connecticut, Massachusetts, and Vermont to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Washington, D.C., Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shippers: Boro Wood Products Co., Inc., Bennettsville, S.C., Sparta Furniture Manufacturing Corp., Sparta, Ga., Hitchcock Chair Co., Riverton, Conn., Industrial Traffic Associates of Georgia, Inc., Atlanta, Ga., H. T. Cushman Manufacturing Corp., North Bennington, Vt., Temple-Stuart Co., Furniture Manufacturers, Baldwinville, Mass., The George B. Bent Co., Inc., Gardner, Mass., and Nichols & Stone Co., Gardner, Mass. Send protests to: William L.

Scroggs, District Supervisor, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street, NW., Atlanta, Ga.

MOTOR CARRIER OF PASSENGERS

No. MC 129533 (Sub-No. 1 TA), filed December 13, 1967. Applicant: NATCHEZ TRANSIT LINES, INC., 3 South Circle, Natchez, Miss. 39120. Applicant's representative: Fred J. Hawkins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and baggage, mail, express, and newspapers* in the same vehicle with passengers, between Natchez, Miss., and Hattiesburg, Miss., serving all intermediate points, from Natchez, over U.S. Highway 61 and 84 to Washington, thence U.S. Highway 85 to Prentiss, thence Mississippi Highway 42 to junction U.S. Highway 49, thence south on U.S. Highway 49 to Hattiesburg, and return over the same routes. NOTE: Applicant intends to interline with other carriers at Hattiesburg, Prentiss, Brookhaven, and Natchez, Miss., for 150 days. Supporting shippers: There are approximately 28 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 312A U.S. Post Office and Courthouse, Jackson, Miss. 39201.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-15044; Filed, Dec. 27, 1967; 8:48 a.m.]

[Notice 66]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 22, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69907. By order of December 19, 1967, the Transfer Board approved the transfer to Bath Lightning Express, Inc., Shortsville, N.Y., of certificate in No. MC-9818, issued June 7, 1951, to Louis Trudell, doing business as Bath Lightning Express, Bath, N.Y., authorizing the transportation of general commodities, with the usual exceptions, over a regular route, between Rochester, N.Y., and Bath, N.Y. Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580, practitioner for applicants.

No. MC-FC-70009. By order of December 19, 1967, the Transfer Board approved the transfer to C. Malone Trucking, Inc., Waltham, Mass., of that portion of the operating rights in certificate No. MC-113951, issued August 4, 1959, to M. D. Cressy Co., Inc., Charlestown District, Boston, Mass., authorizing the transportation, over regular routes, of paper and paper products, and articles used in connection with paper products, twine, clothespins, coat hangers, mops, brooms, candles, and metal and wooden pails, between Somerville, Mass., and Newark, N.J., between Somerville, Mass., and Albany, N.Y., and over irregular routes, of paper and paper products, and articles used in connection with paper products, twine, clothespins, coat hangers, mops, brooms, candles, and metal and wooden pails, between Somersville, Mass., on the one hand, and, on the other, Ashuelot, Hinsdale, Keene, and Ashland, N.H.; Gilman, Bennington, and Wallingford, Vt.; Norwich and New London, Conn.; and Providence, R.I.; paper and paper products, and articles used in connection with paper products, twine, clothespins, coat hangers, mops, brooms, candles, and metal and wooden pails, except liquid or dry bulk commodities in bulk, in tank vehicles or hopper type vehicles, between Somerville, Mass., on the one hand, and, on the other, points in a described portion of Connecticut, between Somerville, Mass., on the one hand, and, on the other, points in Nassau County, N.Y., and those in a described portion of New York, and between Somerville, Mass., on the one hand, and, on the other, points in a described portion of New York. Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, attorney for transferee. Raymond E. Bernard, 60 Brattle Street, Cambridge, Mass. 02138, attorney for transferor.

No. MC-FC-70070. By order of December 14, 1967, the Transfer Board approved the transfer to Jess R. Neufeld, Inc., New York, N.Y., of the operating rights in certificate No. MC-43888 issued November 16, 1955, to Jess R. Neufeld, New York, N.Y., authorizing the transportation of general commodities, except household goods, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 25 miles of Newark, N.J., and plastic film, cloth or sheeting, and resins, flakes, and granules used in the production of plastic film, between New York, N.Y., and Flemington, N.J. John P. Walsh, 161 William Street, New York, N.Y. 10038, attorney for applicants.

No. MC-FC-70076. By order of December 19, 1967, the Transfer Board approved the transfer to Catencamp Transfer & Storage, Inc., Shawano, Wis., of permits Nos. MC-114052 (Sub-No. 2), and MC-114052 (Sub-No. 4) issued August 24, 1956, and May 28, 1957, respectively, to Howard Catencamp, doing business as Catencamp Transfer & Storage, Shawano, Wis., and authorizing the transportation of liquid glue, in bulk, in tank vehicles, from Shawano, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Ohio; and formaldehyde, in bulk, in tank vehicles, from Calumet City, Ill., to Shawano, Wis. John T. Porter, 16 North Carroll Street, Madison, Wis. 53703, attorney for applicants.

No. MC-FC-70080. By order of December 19, 1967, the Transfer Board approved the transfer to James D. Griggs, doing business as J. D. Griggs Trucking Co., Chicago, Ill., of the certificate of registration in No. MC-121147 (Sub-No. 1) issued December 20, 1963, to E. J. Harrington, doing business as Harrington's Organ Rental & Service, Chicago, Ill., and evidencing a right to transport musical instruments and equipment of bands and orchestras, and miscellaneous local cartage, within a 50-mile radius of 5113 North Kostner Avenue, Chicago, Ill., as specified in certificate of public convenience and necessity No. 12584MC dated April 19, 1955, issued by the Illinois Commerce Commission. Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-70082. By order of December 19, 1967, the Transfer Board approved the transfer to Siclari Trucking & Warehouse, Inc., Brooklyn, N.Y., of certificate No. MC-123188 issued July 7, 1961, to Gus Siclari, doing business as Siclari Trucking, Brooklyn, N.Y., and authorizing the transportation of plywood and hardboard, from points in the New York, N.Y., commercial zone, as defined by the Commission, to points in Bergen, Essex, Hudson, Union, Passaic, Middlesex, and Somerset Counties, N.J., and Nassau and Westchester Counties, N.Y., and refused or returned shipments of these commodities, from points in the specified New Jersey and New York counties, to points in the New York, N.Y., commercial zone, as defined by the Commission. William D. Traub, 10 East 40th Street, New York, N.Y. 10016, practitioner for applicants.

No. MC-FC-70083. By order of December 20, 1967, the Transfer Board approved the transfer to Lytle's Transfer & Storage, Inc., Altoona, Pa., of certificate No. MC-102971 (Sub-No. 1) issued February 1, 1956, to James A. Lytle, doing business as Lytle's Transfer & Storage, Altoona, Pa., and authorizing the transportation of household goods, as defined by the Commission, from Altoona, Pa., and points within 20 miles thereof, to points in Maryland, New Jersey, New York, Ohio, and the District of Columbia, and from points in the described destination territory to Altoona, Pa., and points within 50 miles thereof; household goods, as defined by the Commission, between points in Blair, Bedford, Huntingdon, Clearfield, and Cambria Counties, Pa., on the one hand, and, on the other, points in 14 States and the District of Columbia; and, household goods, between Philadelphia, Pa., on the one hand, and, on the other, Washington, D.C., and points in Pennsylvania, Maryland, Delaware, New Jersey, and New York. Robert H. Griswold, Post Office Box 432, Harrisburg, Pa. 17108, attorney for applicants.

No. MC–FC–70085. By order of December 19, 1967, the Transfer Board approved the transfer to Cam & Sons Motor Transportation, Inc., Fitchburg, Mass., of the operating rights in Permit No. MC–10360 issued July 31, 1958, to T. L. Clunan Motor Transportation, Inc., Fitchburg, Mass., authorizing the transportation, over irregular routes, of textile products and textile machinery, between Fitchburg, Mass., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, and New York. Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601, representative for applicants.

No. MC–FC–70095. By order of December 20, 1967, the Transfer Board approved the transfer to Dale Snyder and Marvin Huelsing, a partnership, doing business as Breda Truck Line, Breda, Iowa, of certificate No. MC–2775 issued December 13, 1966, to Vincent Snyder and Dale Snyder, a partnership, doing business as Breda Truck Line, Breda, Iowa, and authorizing the transportation of livestock and agricultural products, from Arcadia, Iowa, to Omaha, Nebr., serving all intermediate and off-route points within 15 miles of Arcadia, from Arcadia over Iowa Highway 285 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, and thence over U.S. Highway 75 to Omaha; and building materials, feed, including mineral feeds, farm machinery and parts, hardware, twine, lubricating oils and greases, wire, and fencing, from Omaha, Nebr., to Arcadia, Iowa, serving all intermediate and off-route points within 15 miles of Arcadia, from Omaha, Nebr., over the above-specified route to Arcadia. Dale Snyder, Breda, Iowa, 51436, representative for applicants.

No. MC–FC–70098. By order of December 19, 1967, the Transfer Board approved the transfer to B. T. Hall, doing business as B. T. Hall Trucking, 2753 North 32d, Kansas City, Kans. 66104, of the certificate in No. MC–118985 (Sub-No. 2), issued January 30, 1964, to H. L. Sewell and Lester Foster, a partnership, doing business as Sewell Trucking, 6703 Hunter, Raytown, Mo. 64133, authorizing the transportation of sand and gravel, in bulk, from Muncie, Kans., and points within 5 miles thereof, to points within a specified Missouri territory.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–15045; Filed, Dec. 27, 1967; 8:48 a.m.]

[Notice 1136]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 22, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearings, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 431 (Sub-No. 6), filed December 1, 1967. Applicant: SOUTH BEND TRANSFER INC., First and Alder Streets, South Bend, Wash. 98586. Applicant's representative: W. R. Lorentson, Box 253, 111 Maple Street, South Bend, Wash. 98586. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between South Bend and Seattle, Wash., from South Bend, over U.S. Highway 101 to Aberdeen, thence over U.S. Highway 410 to Olympia (also from junction U.S. Highway 101 and Washington Highway 107, over Washington Highway 107 to junction U.S. Highway 410 at or near Montesano) thence over Interstate Highway 5 to Seattle, and return over the same routes, serving the intermediate point of Tacoma. NOTE: Applicant states that it will tack with its existing authority and interline with other carriers. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 1641 (Sub-No. 78), filed December 8, 1967. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Applicant's representative: R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer materials*, from points in Lancaster County, Nebr., to points in Iowa, Kansas, Nebraska, Missouri, South Dakota, Wyoming, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 16831 (Sub-No. 15), filed December 11, 1967. Applicant: LAVERNE W. SIMPSON, doing business as MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Avenue, Des Moines, Iowa 50317. Applicant's representative: Robert L. Page (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Aluminum sheets, bars, tubing, structurals, extrusions, and plates*, in mixed shipments with iron and steel articles and moving in the same vehicle at the same time with iron and steel articles, (1) between Chicago, Ill., and Des Moines, Iowa, over Interstate Highway 80, serving no intermediate points and (2) between Chicago, Ill., and junction Interstate Highways 55 and 80, over Interstate Highway 55, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 20872 (Sub-No. 10), filed December 11, 1967. Applicant: LIME CITY TRUCKING COMPANY, INCORPORATED, 1455 Swan Street, Huntington, Ind. 46750. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Huffer Foundry Co., Inc.,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

near Warsaw, Ind., as an off-route point in connection with applicant's regular route operations to and from Warsaw, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 30237 (Sub-No. 13), filed December 11, 1967. Applicant: YEATTS TRANSFER COMPANY, a corporation, Post Office Box 666, Altavista, Va. 24517. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as described in appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Saddle Brook, N.J., to points in Delaware, Maryland, North Carolina, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 246), filed December 8, 1967. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, and potato products*, (1) from Presque Isle and Portland, Maine, to points in New York (except those in Suffolk, Westchester, Rockland, Nassau Counties, and the Boroughs of Queens, Brooklyn, Bronx, Richmond, and Manhattan), Pennsylvania (except those in Montgomery, Bucks, and Delaware Counties, and Philadelphia), West Virginia, and Kentucky, (2) from Washburn and Belfast, Maine, and Watertown, Mass., to points in New York (except those in Suffolk, Westchester, Rockland, Nassau, and the Boroughs of Queens, Brooklyn, Bronx, Richmond, and Manhattan), Pennsylvania (except those in Montgomery, Bucks, and Delaware Counties, and Philadelphia), West Virginia, Kentucky, Ohio, Indiana, and Michigan, and (3) from Easton, Maine, to points in New York (except those in Suffolk, Westchester, Rockland, Nassau Counties, and the Boroughs of Queens, Brooklyn, Bronx, Richmond, and Manhattan), Pennsylvania (except those in Montgomery, Bucks, and Delaware Counties, and Philadelphia), West Virginia, and Kentucky. NOTE: Applicant indicates tacking at points in Indiana with present authority serving points in Iowa, Nebraska, Missouri, Kansas, Arkansas, Colorado, Oklahoma, and Texas. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland or Augusta, Maine.

No. MC 45657 (Sub-No. 47), filed December 6, 1967. Applicant: PIC-WALSH FREIGHT CO., a corporation, 731 Campbell Avenue, St. Louis, Mo. 63147. Applicant's representative: David I. Harfeld, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Memphis, Tenn., and Chicago, Ill., from Memphis over U.S. Highway 51 to junction Illinois Highway 37, thence over Illinois Highway 37 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 66 and thence over U.S. Highway 66 to Chicago, and return over the same route, serving no intermediate points, except Salem and Effingham, Ill., for purposes of joinder only, (2) between Tupelo, Miss., and Chicago, Ill., from Tupelo over U.S. Highway 45 to junction U.S. Highway 45E, thence over U.S. Highway 45E to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Illinois Highway 37, thence over Illinois Highway 37 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, and return over the same route, serving no intermediate points, except at Salem and Effingham, Ill., for purposes of joinder only, and (3) between Tupelo, Miss., and St. Louis, Mo., from Tupelo over U.S. Highway 45 to junction U.S. Highway 45E, thence over U.S. Highway 45E to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Illinois Highway 3, thence over Illinois Highway 3 to St. Louis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations between Tupelo, Miss., and Memphis, Tenn., on the one hand, and, on the other, Chicago, Ill., St. Louis, Mo., Springfield and Vandalia, Ohio, and other authorized points east thereof. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59499 (Sub-No. 11) (Correction), filed October 27, 1967, published FEDERAL REGISTER issue of November 23, 1967, and republished as corrected this issue. Applicant: UNITED MOTOR FREIGHT TERMINAL, INC., 3700 First Avenue South, Birmingham, Ala. 35222. Applicant's representative: R. J. Reynolds III, 403 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Birmingham, Ala., and Sherman, Miss., over U.S. Highway 78, serving the intermediate point of Guin, Ala., for purposes of joinder only, and serving Tupelo, Miss., and all intermediate and off-route points within 15 air miles of Birmingham, (2) between Tupelo, Miss., and Selmer, Tenn., over U.S. Highway 45, serving all intermediate points, (3) between Guin, Ala., and Tupelo, Miss.; from Guin over U.S. Highway 278 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Mississippi Highway 41, thence over Mississippi Highway 41 to Okolona, Miss., thence over Mississippi Highway 45W to junction U.S. Highway 45 (near Shannon, Miss.), thence over U.S. Highway 45 to Tupelo, Miss., and return over the same route, serving Guin for purposes of joinder only; and serving the intermediate and off-route points of Amory and Okolona, Miss., (4) serving points in Lee County, Miss., as intermediate and off-route points in connection with applicant's regular route operations to, from, and through Tupelo, Miss., and (5) serving Buchanan, Ga., as an off-route point in connection with applicant's authorized regular route authority between Atlanta, Ga., and Birmingham, Ala. NOTE: Applicant states service to points proposed on route (1), (2), (3), and (4) above shall be limited to traffic moving from, to, or through Birmingham, Ala., or points within 15 air miles thereof. The purpose of this republication is to add the intermediate point of Tupelo, Miss., in (1) above, inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Atlanta, Ga., and Tupelo, Miss.

No. MC 61592 (Sub-No. 93), filed December 11, 1967. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition roofing and building slabs and equipment, materials, and supplies* used in the installation thereof, from Terry, Miss., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 73165 (Sub-No. 239) (Amendment), filed October 23, 1967, published in the FEDERAL REGISTER issue of November 9, 1967, amended December 12, 1967, and republished as amended, this issue. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment; winches; compaction and roadmaking equipment, rollers, self-propelled and non-self-propelled; mobile cranes; and highway freight trailers*, and (2) *parts, attachments, and accessories for the commodities described in (1) above*, between the plantsites of the Hyster Co. located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Georgia, Tennessee, and Texas, restricted to the handling of traffic originating at or destined to the above-named plantsites.

NOTE: The purpose of this republication is to widen the scope of the authority sought. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 80847 (Sub-No. 5), filed December 5, 1967. Applicant: J. B. ACTON, INC., 216 Southwest Boulevard, Kansas City, Mo. 64108. Applicant's representative: Elbert C. Wilson, 5402 West Skelly Drive, Tulsa, Okla. 74131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe; from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Kansas, Oklahoma, Texas, New Mexico, Arkansas, and Louisiana, and (2) *iron and steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment: Sheets, beams, plates, and coils, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states it presently holds certificate of public convenience and necessity No. MC 80847 Sub 2, in which it is authorized to serve over irregular routes: Oil-field equipment, machinery, and materials, between points in Kansas, Oklahoma, Texas, New Mexico, Arkansas, and Louisiana. To the extent that articles listed in proposed authority would move as oil-field equipment, machinery, and materials the proposed authority will duplicate that presently held in MC 80847 Sub 2. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Tulsa, Okla.

No. MC 87861 (Sub-No. 10), filed December 11, 1967. Applicant: BELL DIAMOND EXPRESS, INC., 6901 North Michigan Road, Indianapolis, Ind. 46268. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 64204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished and unfinished railroad ties, timbers, and other forest products*, from Louisville, Ky., to points in Illinois, Michigan, Ohio, Indiana, Wisconsin, Missouri, West Virginia, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 89697 (Sub-No. 24), filed December 12, 1967. Applicant: KRAJACK TANK LINES, INC., 480 East Westfield Avenue, Roselle Park, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except calcium chloride) in bulk, in tank or hopper-type vehicles, from Solvay, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 93944 (Sub-No. 5), filed December 4, 1967. Applicant: DANELLA BROS., INC., 250 Diamond Avenue, Norristown, Pa. 19401. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, lime products, limestone, limestone products, slag, slag products, gravel, concrete mix, mortar mix, sand mix, sand, cements, fertilizer, ammonia sulphate, sulphate phosphate, superphosphate, salt, bituminous concrete and ores*, between points in Berks, Bucks, Chester, Lehigh, Montgomery, Northampton, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 100449 (Sub-No. 12), filed November 27, 1967. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Fort Dodge, Iowa, to points in Minnesota, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 102567 (Sub-No. 122), filed December 6, 1967. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses and feed grade molasses*, in bulk, in tank vehicles, from points in Louisiana (except those points within a 75-mile radius of New Orleans, La.), to points in Mississippi, Arkansas, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 103654 (Sub-No. 130), filed November 13, 1967. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn. 55116. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, (a) from the Williams Brothers Pipe Line Co., terminal and the Kaneb Pipe Line Co., terminal both located at or near Milford, Iowa, to points in Iowa, Minnesota, and South Dakota, and (b) from the Williams Brothers Pipe Line Co., terminal located at or near St. Cloud, Minn., to points in Minnesota, South Dakota, North Dakota, and Wisconsin, (2) *liquid fertilizer*, in bulk, from points in Redwood, Renville and Brown Counties, Minn., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, (3) *lecithin*, in bulk, from Mankato, Minn., to points in Minnesota and Ohio, and (4) *fertilizer and fertilizer ingredients*, in bulk, from points in Martin County, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105045 (Sub-No. 19) (Amendment), filed October 23, 1967, published FEDERAL REGISTER issue November 9, 1967, and republished as amended, this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47708. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment; winches; compaction and roadmaking equipment, rollers*, self-propelled and non-self-propelled; *mobile cranes; and highway freight trailers, and parts, attachments, and accessories therefor*, between the plantsite of the Hyster Co. located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, District of Columbia, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, Wisconsin, and West Virginia, restricted to the handling of traffic originating at or destined to the named plantsites. NOTE: The purpose of this republication is to reflect the change in the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 106497 (Sub-No. 40), filed December 11, 1967. Applicant: PARKHILL TRUCK COMPANY, a corporation, 4219 South Memorial Street, Tulsa, Okla. 74152. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and roadmaking equipment, rollers, self-propelled and non-self-propelled, mobile cranes, and highway freight trailers*, and (2) *parts, attachments, and accessories* for the commodities described in (1) above, between the plantsites of the Hyster Co. located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, New Mexico, Ohio, Oklahoma, Texas, and Wyoming restricted to the handling

of traffic originating at or destined to the named plantsites. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Kansas City, Mo., or Washington, D.C.

No. MC 106679 (Sub-No. 9), filed December 11, 1967. Applicant: WHEELER FREIGHTWAYS, a corporation, 3375 South Polaris, Las Vegas, Nev. 89102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum plaster*, gypsum wallboard (plasterboard), between points in Clark and Lincoln Counties, Nev., and points in Orange, Riverside, and San Bernardino Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC 107012 (Sub-No. 76), filed December 11, 1967. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. 46901. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New industrial, institutional, technical, and laboratory furniture*, uncrated, from Rochester, Minn., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107496 (Sub-No. 605), filed December 8, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn and corn products*, from Atchison, Kans., and points within 5 miles thereof to points in Indiana, Illinois, Wisconsin, Iowa, Missouri, Minnesota, Arkansas, Louisiana, Texas, Oklahoma, Colorado, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 107496 (Sub-No. 606), filed December 8, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry, manufactured fertilizer and fertilizer ingredients*, in bulk and bag, from Kansas City, Mo., to points in Kansas, Iowa, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 107496 (Sub-No. 607), filed December 8, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and fertilizers*, from Lincoln, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 107496 (Sub-No. 608), filed December 8, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizer, and fertilizer ingredients*, in bulk, from the plantsite of the United States Steel Corp. at or near Tilton, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Pittsburgh, Pa.

No. MC 107496 (Sub-No. 609), filed December 8, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions and liquid fertilizer compounds*, from Logansport, Ind., and points within 10 miles thereof, to points in Illinois, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107515 (Sub-No. 598), filed December 11, 1967. Applicant: REFRIGERATED TRANSPORTATION CO., INC., Post Office Box 10799 Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and dairy products*, from Washington, D.C., and Baltimore, Md., to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Kentucky, and Tennessee. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108313 (Sub-No. 10), filed December 10, 1967. Applicant: CALEDONIA LINES, INC., Ontario, N.Y. 14519. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, cleaners, detergents, and waxes*, in containers, and *empty containers* for those commodities, between Barberton, Ohio, on the one hand, and, on the other, Branchton, Erie, Greenville, North East, Pittsburgh, Saegertown (Saegerstown), and Youngstown, Pa., under contract with Jones Chemicals, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 109497 (Sub-No. 20), filed December 5, 1967. Applicant: A. F. COMER TRANSPORT SERVICE, INC., Post Office Box 2933, West Durham Station, Durham, N.C. 27705. Applicant's representative: Louis Reznek, 5009 Keokuk Street, Washington, D.C. 20016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote*, in bulk, in tank vehicles, from Chesapeake, Va., to points in North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 109537 (Sub-No. 3), filed December 11, 1967. Applicant: HERRON TRANSFER CO., a corporation, 1026 Franklin Street, Salem, Ohio 44460. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rolling mill machinery and parts therefor, and equipment, materials, and supplies used in the manufacture, sale, and distribution of rolling mill machinery and parts therefor*, between Salem, Ohio, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia. NOTE: If a hearing is deemd necessary, applicant requests it be held at Washington, D.C.

No. MC 111545 (Sub-No. 101), filed December 5, 1967. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy machinery;* (2) *contractors equipment;* (3) *tractors* (except truck tractors); (4) *lift and hoist trucks;* (5) *commodities* (other than those described in Nos. (1) through (4) above), which because of size or weight require the use of special equipment; and (6) *parts, attachments, and accessories for commodities* named in Nos. (1) through (5) above, when moving in the same shipment with the commodities named therein, between points in Georgia and South Carolina on the one hand, and, on the other, points in Florida. NOTE: Applicant intends to tack at points in Georgia and South Carolina to provide service between points in Florida with its existing authority serving Illinois, Indiana, Iowa, Kansas, Michigan, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Wisconsin, Delaware, Missouri,

Nebraska, North Carolina, Virginia, Kentucky, Tennessee, Alabama, Minnesota, Texas, Mississippi, Arkansas, Louisiana, Maryland, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 114106 (Sub-No. 57) (Amendment), filed November 15, 1967, published in the FEDERAL REGISTER issue of December 7, 1967, amended December 13, 1967, and republished as amended, this issue. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Post Office Box 573, Lexington, N.C. 27292. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from points in North Carolina to points in North Carolina, South Carolina, and Georgia. NOTE: Applicant has contract carrier authority in MC 115176 Subs 1 and 2, therefore, dual operations may be involved. The purpose of this republication is to add the destination State of Georgia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115669 (Sub-No. 80), filed November 13, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone products*, (2) *animal and poultry feed, and animal and poultry feed ingredients*, and (3) *animal and poultry health products, insecticides and pesticides, empty bags and other containers, and advertising matter and premiums*, when moving in mixed shipments with lime, limestone products, animal and poultry feed, and animal and poultry feed ingredients, from Quincy, Ill., and points within 5 miles thereof, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 116564 (Sub-No. 18), filed November 30, 1967. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 913 Colorado Building, 1341 G Street, NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Latrobe, Pa., to points in North Carolina, Massachusetts, and Rhode Island, and *empty malt beverage containers* on return, restricted to service performed under contract with Latrobe Brewing Co. NOTE: Applicant has common carrier authority in MC 119118 and subs thereunder therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 117686 (Sub-No. 83), filed December 13, 1967. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Austin, Minn.; Fremont and Scottsbluff, Nebr.; and Huron and Mitchell, S. Dak., to points in Ala ama, Mississippi, and Louisiana. NOTE: Applicant states that the above-proposed authority is restricted to traffic originating at the plantsites and/or warehouse facilities of George A. Hormel & Co. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119295 (Sub-No. 5), filed December 11, 1967. Applicant: RAY E. CAGLE AND FORREST L. CAGLE, a partnership, doing business as CAGLE BROS. TRUCKING SERVICE, Post Office Box 14187, Maryvale Station, 59th Street and Buckeye Road, Phoenix, Ariz. 85031. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire-trol* (a fire retardant), from Phoenix, Ariz., to points in California, Colorado, Idaho, Montana, Neveda, Oregon, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 119443 (Sub-No. 20), filed December 8, 1967. Applicant: P. E. KRAMME, INC., Monroeville, N.J. Applicant's representative: V. Baker Smith, 2107 Fidelity Philadelphia Trust Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate and liquid chocolate products*, in bulk, in tank vehicles, from Scotch Plains, N.J., to points in Delaware, Maryland, Pennsylvania, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119531 (Sub-No. 75), filed December 7, 1967. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages*, bottled and canned, from Cincinnati, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, and Pennsylvania, and (2) *materials and supplies* used in the manufacture, sale, and distribution of beverages, bottled and canned, from points in Illinois, Indiana, Kentucky, Michigan, and Pennsylvania, to Cincinnati, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119777 (Sub-No. 90) (Amendment), filed November 3, 1967, published FEDERAL REGISTER issue of November 30, 1967, amended December 14, 1967, and republished as amended, this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and roadmaking equipment, rollers, self-propelled and non-self-propelled, mobile cranes, and highway freight trailers*, and (2) *parts, attachments, and accessories* for the commodities described in (1) above, between the plantsites of the Hyster Co. located at or near Danville, Kewanne, and Peoria, Ill., on the one hand, and, on the other, points in Indiana, Kentucky, Ohio, Pennsylvania, Tennessee, West Virginia, and the New York, N.Y., commercial zone, restricted to traffic originating at or destined to the named plantsites. NOTE: Applicant is authorized to operate as a contract carrier in MC 126970 Sub 1, therefore dual operations may be involved. The purpose of this republication is to broaden the radial authority of the application. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 121340 (Sub-No. 2) (Amendment), filed May 31, 1967, published in the FEDERAL REGISTER issues of June 22, 1967, and November 22, 1967, amended and republished as amended, this issue. Applicant: R. LEVINGE and T. L. ALLEN, JR., a partnership, doing business as L & A TRANSPORTATION COMPANY, 5094 Buelow, Houston, Tex. 77023. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; (2) *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipelines; and, (3) *commodities*, other than those described above, the transportation of which, because of their size or weight, requires the use of special equipment, and parts thereof, when moving in connection with such commodities, between points in Texas. NOTE: Applicant, which operates only between points in Texas, seeks by related proceedings in Docket MC-FC-69629 to purchase authority to physically operate between Texas and Louisiana. It is the sole purpose of the

subject proceeding to preserve applicant's present interstate authority under its registration certificate No. 121340 (Sub 1) by converting it to a certificate of convenience and necessity. No extension of present territory or authority is considered to be involved. On grant of authority here sought, applicant would have canceled its certificate No. MC-121340 (Sub 1). The purpose of this republication is to show that proposed operation will be between points in Texas. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 121382 (Sub-No. 2), filed August 4, 1967. Applicant: C. R. VON ARX and L. R. VON ARX, a partnership, doing business as RIVERVIEW TRANSPORTATION CO., Lone Redwood Road, Post Office Box 2365, Santa Rosa, Calif. Applicant's representative: Edward J. Hegarty, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and forest products* (excluding wood chips) in shipments of 20,000 pounds or more, between points in Monterey, San Benito, Fresno, Santa Cruz, Santa Clara, Stanislaus, Merced, Madera, San Mateo, San Francisco, Alameda, Contra Costa, San Joaquin, Marin, Solano, Sacramento, Sonoma, Napa, Yolo, Sutter, Placer, Lake, Colusa, Yuba, Mendocino, Glenn, Butte, Tahama, Humboldt, Trinity, and Shasta Counties, Calif., and (2) *buildings* assembled and partially assembled (except buildings and buildings in sections mounted on wheeled undercarriages with hitch-ball connectors) and *parts and materials* required for the erection of such buildings, when such parts and materials move on the same vehicle as the building, from the plantsite of Speedspace Corp., located approximately 8 miles from Santa Rosa, Sonoma County, Calif., to points in Idaho, Montana, Nevada, Arizona, Oregon, Utah, Washington, Colorado, and Wyoming. NOTE: In connection with (1) above, applicant seeks to convert its presently held certificate of registration in MC 121382 (Sub-No. 1) to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 123502 (Sub-No. 21), filed December 5, 1967. Applicant: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. 21061. Applicant's representative: Donald E. Freeman, Post Office Box 806, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nickel scrap*, in dump vehicles, from Johnstown, Pa., to points in Maryland, (2) *metals and metal alloys*, in dump vehicles, from Vancoram, Ohio, and Graham, W. Va., to points in Maryland, Virginia, New Jersey, Delaware, Connecticut, Massachusetts, and the District of Columbia, and (3) *alloys, granular refractories, minerals, and ores*, in dump vehicles, from East Liverpool, Powhatan, Brilliant, and Philo, Ohio, and Pittsburgh, Pa., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Tennessee, Kentucky, Alabama, Georgia, Florida, North Carolina, South Carolina, West Virginia, Virginia, Maryland, Delaware, New Jersey, and Connecticut (except points within 175 miles of Pittsburgh, Pa., and the District of Columbia). NOTE: Applicant states it could tack at Baltimore, Md., to enable service to points in Maryland, West Virginia, Virginia, Pennsylvania, Delaware, New York, Connecticut, Ohio, and New Jersey. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125646 (Sub-No. 4), filed November 28, 1967. Applicant: SAMUEL R. FOX, 12 Second Street, Bridgeport, Ohio 43912. Applicant's representative: D. L. Bennett, 206 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy store equipment and supplies* (except commodities in bulk), from Worthington, Ohio, to points in Delaware, Maryland, points in that part of Pennsylvania (except Aliquippa, Altoona, Appollo, Beaver Falls, Blairsville, Brownsville, Butler, Canonsburg, Kittanning, Greensburg, Jeannette, Johnstown, Latrobe, Charlerol, Connelsville, Indiana, Irwin, Mount Pleasant, Somerset, Uniontown, Washington, Pa., and except points in Allegheny County, Pa.); points in that part of Kentucky, on, east or north of a line beginning at Louisville, Ky., on the Ohio River, thence along U.S. Highway 60 to Mount Sterling, Ky., thence along U.S. Highway 460 to the Kentucky-Virginia State line; points in that part of New York, on and west of a line beginning at Oswego, N.Y., on Lake Ontario, thence along U.S. Highway 104 to its junction with U.S. Highway 11 at or near Mexico, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 5 to Utica, N.Y., thence along New York Highway 8 to its junction with New York Highway 17 at or near Deposit, N.Y., thence along New York Highway 17 to its junction with U.S. Highway 11 near Binghampton, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line; (2) *paper cups, soda straws, plastic dishes*, from Baltimore, Md., (3) *flavor syrups*, from Rochester and Victor, N.Y.; and (4) *meat patties*, frozen, from Scranton, Pa., to Worthington, Ohio, in connection with (2), (3), and (4) above. NOTE: Applicant states the authority sought herein is under contract with International Dairy Queen, Inc., Worthington, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Pittsburgh, Pa.

No. MC 125708 (Sub-No. 80), filed December 8, 1967. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, between Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin on the one hand, and, on the other, Brentwood, Mo. NOTE: Applicant indicates tacking possibilities with present authority under MC 125708 and subs thereunder, wherein applicant is authorized to serve points in the States shown above. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 128122 (Sub-No. 5), filed December 8, 1967. Applicant: STATE TRANSPORT COMPANY, a corporation, Post Office Box 691, Corvallis, Oreg. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Benton, Lane, Linn, Lincoln, Marion, and Polk Counties, Oreg., to points on Coos Bay and Yaquina Bay, Oreg., (2) *composition board such as particleboard, chipboard, fiberboard and hardboard*, as construction materials (except gypsum board, paperboard and pulpboard), from points in Benton, Lane, Linn, Lincoln, Marion, and Polk Counties, Oreg., to points on Yaquina Bay and Coos Bay, Oreg., Portland, Oreg.; points in Clark County, Wash., and Longview, Wash., and (3) *bituminous fiber pipe and conduits, fittings, and accessories therefor* moving in connection therewith, from Corvallis, Oreg., to points on Coos Bay and Yaquina Bay, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128814 (Sub-No. 12), filed December 8, 1967. Applicant: TRI-STATE MOTOR TRANSIT CO., as Operator of H. MESSICK, INC., Post Office Box 113, Business I-44, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Class A explosives*, from the plantsite of Hercules, Inc., located at McAdory, Ala., to points in Alameda County, Calif., under contract with customers of Hercules, Inc. NOTE: Applicant holds common carrier authority in MC 109397, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Washington, D.C., or Dallas, Tex.

No. MC 128909 (Sub-No. 1) (Amendment), filed March 2, 1967, published FEDERAL REGISTER issues of March 23, 1967, April 13, 1967, June 29, 1967, respectively, amended December 11, 1967, and republished as amended, this issue. Applicant: COMMODORE CONTRACT CARRIER, INC., 2410 Dodge Street, Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by mo-

tor vehicle, over irregular routes, transporting: (A) *Mobile homes, house trailers* designed to be drawn by passenger autos, and *buildings*, in sections mounted on wheeled undercarriages with hitch-ball connector, in initial and secondary movement, in towaway and truckaway service: (1) Between Falls City and North Bend, Nebr., Arlington (Shelby County), Tenn., Hamilton, Haleyville, and Red Bay, Ala., Danville, Va., and Roseburg, Oreg.; (2) between Falls City, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wyoming, and Wisconsin, and ports of entry on the international boundary line between the United States and Canada, located in Minnesota, North Dakota, Montana, and Washington; (3) between North Bend, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, South Dakota, Oklahoma, Oregon, Utah, Tennessee, Texas, Wyoming, Washington, and Wisconsin, and ports of entry on the international boundary line between the United States and Canada located in Minnesota, North Dakota, and Montana.

(4) Between Hamilton, Haleyville, and Red Bay, Ala., and Arlington (Shelby County), Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; (5) between Danville, Va., on the one hand, and, on the other, points in Delaware, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia; (6) between Roseburg, Oreg., on the one hand, and, on the other, points in Washington, California, Nevada, Arizona, New Mexico, Colorado, Utah, Idaho, Montana, and Wyoming, and ports of entry on the international boundary line between the United States and Canada located in Washington and Montana; (B) *wheels, axles, and hitches*, between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, Falls City and North Bend, Nebr.; Arlington (Shelby County), Tenn.; Hamilton, Haleyville, and Red Bay, Ala.; Danville, Va.; and Roseburg, Oreg. Restriction: All service included herein is to be performed under continuing contracts with the Commodore Corp., Omaha, Nebr., its wholly owned subsidiaries and its divisions, having plants at the specific named points set out in Parts A and B above. NOTE: The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128909 (Sub-No. 3) (Amendment), filed August 28, 1967, published FEDERAL REGISTER issue September 21, 1967, and republished as amended this issue. Applicant: COMMODORE CONTRACT CARRIERS, INC., 2410 Dodge Street, Omaha, Nebr. Applicant's representative: Donald L. Stern, Suite 630, City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mobile homes, house trailers* designed to be drawn by passenger autos, and buildings in sections mounted on wheeled undercarriages with hitch-ball connector, in initial and secondary movement, in towaway and truckaway service, between Fort Worth, Tex., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wyoming, and (2) *wheels, axles, and hitches*, between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, Fort Worth, Tex., under a continuing contract with the Commodore Corp., Omaha, Nebr. NOTE: The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 129149 (Sub-No. 4), filed December 11, 1967. Applicant: ELLIS HAINES, doing business as HAINES TRUCK LINES, 995 Washington Street, Bushnell, Ill. 61422. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity flow wagon boxes, storage tanks, water tanks, and component parts thereof*, from Bushnell, Ill., to points in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee, under contract with Bushnell, Ill., Tank Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 129254 (Sub-No. 2), filed December 4, 1967. Applicant: E. T. USHER, Post Office Box 312, Chiefland, Fla. 32626. Applicant's representative: Richard J. Brooks, Post Office Box 1531, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dolomite*, in bulk, in dump vehicles, from points in Levy, Swuannee, and Citrus Counties, Fla., to Bainbridge, Ga., and (2) *fertilizer and processed fertilizer*, in bulk, in dump vehicles, from Bainbridge, Ga., to Branford, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Ocala, Tallahassee, or Orlando, Fla.

No. MC 129546 (Sub-No. 2) (Amendment), filed October 5, 1967, published in the FEDERAL REGISTER issue of October 19, 1967, under No. MC 128981 (Sub-No. 2), amended December 7, 1967, and republished as amended this issue. Applicant: LAND-AIR DELIVERY, INC., 413 Lou Holland Drive, Kansas City, Mo. 64116. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between the Municipal Mid-Continent International Airport and Fairfax Airport, located within the Kansas City, Mo.-Kans., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Missouri, Kansas, and Nebraska, and (2) between Municipal Airport, Wichita, Kans., on the one hand, and, on the other, points in Kansas, Missouri, and Nebraska, restricted to the transportation of shipments moving on air bills of lading and having an immediately prior or subsequent movement by air under a continuing contract or contracts with Emery Air Freight Corp., of Wilton, Conn. NOTE: The purpose of this republication is to show that the application has been amended to seek contract carrier rights rather than those of a common carrier. The amendment also eliminates certain states previously sought to be served. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129496 (Sub-No. 1), filed November 29, 1967. Applicant: EARL HALLENBECK, doing business as HALLENBECK FEED & GRAIN, Rural Route No. 1, Linwood, Kans. 66052. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid fertilizer and liquid fertilizer ingredients*, (1) from the warehouse and/or plant facilities of Vistron Chemical Co. at or near a point about 6 miles east of Webb City, Mo.; (2) from the warehouse and/or plant facilities of Phillips Chemical Co. at or near Hogue, Nebr.; (3) from the warehouse and/or plant facilities of Allied Chemical Co. at or near La Platte, Nebr.; (4) from the barge facilities of the Tennessee Valley Authority at or near Nebraska City, Nebr.; and (5) from the warehouse and/or plant facilities of Feltex, Inc., located on U.S. Highway 77 at a point about 3 miles north of Fremont, Nebr.; to the plant and/or warehouse facilities of Agricultural Business Co., Inc., located at a point about 7 miles west of Lawrence, Kans., on U.S. Highway 24 and also, at a point about 2 miles south of Lansing, Kans., on U.S. Highway 73 and also at a point about 3 miles south of Effingham, Kans., on an unnumbered county road, and also at a point about one-half mile north of Easton, Kans., on an unnumbered county road, in connection with (1) through (5) above; and (B) *liquid fertilizer and liquid fertilizer ingredients*, from the plant and/or warehouse facilities of Agricultural Business Co., Inc.,

located at a point about 7 miles west of Lawrence, Kans., on U.S. Highway 24 (a) to points in Nebraska located on and south of U.S. Highway No. 34 and on and east of U.S. Highway No. 81; (b) points in Iowa, on and south of U.S. Highway 34 and on and west of U.S. Highway 71; and, (c) points in Missouri, located on and west of U.S. Highway 65 and on and north of U.S. Highway 54. NOTE: Applicant states the authority sought herein will be under contract with Agricultural Business Co., Inc., Lawrence, Kans. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129532, filed November 13, 1967. Applicant: THOMAS A. NICOLL, doing business as NICOLL TRANSPORT, 320 12th Street SE., Medicine Hat, Alberta, Canada. Applicant's representative: J. J. Joyce, 1666 Boundary Road, Burnaby, British Columbia, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and grain products, agricultural equipment, aluminum and pipes and sprinkling machines*, between ports of entry on the international boundary line between the United States and Canada located in Washington, Idaho, and Montana, and points in Washington and Oregon, under contract with the Alberta Linseed Oil Co., Ltd. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 129556 (Sub-No. 1), filed December 11, 1967. Applicant: WALLACE PETERSON, doing business as AMERICAN MOVING & STORAGE OF MARIN, 160 Paul Drive, San Rafael, Calif. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Marin, San Francisco, Solano, Santa Clara, San Mateo, Alameda, Contra Costa, Napa, Yolo, and Sonoma Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 129570, filed December 1, 1967. Applicant: GEORGIANNI TRANSPORTATION, INC., 149 North Gramercy Place, Los Angeles, Calif. 90004. Applicant's representative: Herbert Cameron (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Structural steel products*, from points in the Los Angeles Harbor, Calif., commercial zone, to points in Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, Calif.; and (b) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in the destination territory specified above, to points in the Los Angeles Harbor, Calif., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or Long Beach, Calif.

No. MC 129572 (Sub-No. 1), filed December 8, 1967. Applicant: GAYLE E. ANDERSON, 3367 South 8400 West, Magna, Utah 84044. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, and supplies relative to mechanical piping applications; tubing, bar stock, sheet and plate metals and supplies and machinery relative to structural and/or machining applications*, between points in Utah, Idaho, Wyoming, Montana, Colorado, Arizona, New Mexico, Nevada, and California, under a continuing contract with Tubular Service Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 129574, filed December 4, 1967. Applicant: FRANK R. CHULLINO, doing business as MIDWEST TRANSPORTATION COMPANY, 2802 Avenue B, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Distilled spirits, liquors, and wine*, in bottles and packages, from points in New York, Indiana, Pennsylvania, Illinois, Ohio, Michigan, and Kentucky, to Omaha, Nebr., under contract with Sterling Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 129578, filed December 7, 1967. Applicant: ORLANDO CARTAGE, INC., 1700 Glendale Road, Orlando, Fla. 32808. Applicant's representative: Richard J. Brooks, Post Office Box 1531, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to traffic having a prior movement by rail, from Orlando, Fla., to points in Orange, Lake, Marion, Volusia, Brevard, Seminole, Osceola, and Polk Counties, Fla. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 129582, filed December 8, 1967. Applicant: FRASCONA, INC., Post Office Box 728, Warren Street, New Britain, Conn. 06052. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Hudson, Cementon, Allson, Glens Falls, Howe's Cave, and Ravena, N.Y.; Copley, Cementon, and Nazareth, Pa.; Framingham and Charlestown, Mass.; and Hoboken, N.J., to points in Connecticut, limited to transportation performed under a continuing contract or contracts with Sherman-Tomasso Concrete, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford or New Haven, Conn.

MOTOR CARRIER OF PASSENGERS

No. MC 96336 (Sub-No. 2), filed November 30, 1967. Applicant: JOHN C. ESTES, JR., doing business as CAVALIER TRANSPORTATION COMPANY, 711 Hospital Street, Richmond, Va. 23219. Applicant's representative: Jno. C. Goddin, Post Office Box 1636, Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Over regular routes: *Passengers and their baggage, mail, newspapers, and express* in the same vehicle with passengers, between Gloucester, Mathews, and Cobbs Creek, Va., from Gloucester over Virginia Highway 14 to its junction with Virginia Highway 198, thence over Virginia Highway 198 to Mathews and Cobbs Creek and return over the same route, serving all intermediate points; and (2) over irregular routes: *passengers and their baggage*, in special and charter operations, beginning and ending at points in Mathews County, Va., and extending to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Richmond or Norfolk, Va.

No. MC 124233 (Sub-No. 4), filed November 27, 1967. Applicant: VANCOUVER ISLAND TRANSPORTATION COMPANY, LIMITED, doing business as VANCOUVER ISLAND COACH LINES, LIMITED, 710 Douglas Street, Victoria, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in round-trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Washington, and extending to points in Washington, Oregon, California, Nevada, Utah, Arizona, and Colorado. Restriction: Charter parties shall originate and terminate at points on Vancouver Island, British Columbia, Canada, and (2) *passengers and their baggage* in the same vehicle with passengers, in special operations, in round trip, all expense, pleasure and sightseeing tours, escorted by a person employed by carrier, beginning and ending at ports of entry on international boundary line between the United States and Canada located in Washington, and extending to points in Arizona, California, Colorado, Nevada, Oregon, Utah, and Washington. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 93944 (Sub-No. 4) (amendment), filed September 14, 1967, pub-

lished in the FEDERAL REGISTER issue of October 5, 1967, amended and republished as amended, this issue. Applicant: DANELLA BROS., INC., 250 Diamond Avenue, Norristown, Pa. 19401. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag, ore, and ferro Chromium*, in dump vehicles, between points in Philadelphia and points in Bucks County, Pa., on the one hand, and, on the other, points in the United States east of the Mississippi River and points in Minnesota. NOTE: The purpose of this republication is to broaden the authority sought.

No. MC 129383 (Sub-No. 1), filed December 13, 1967. Applicant: McCARLEY MOVING & STORAGE COMPANY, INC., 4245 Milgen Road, Columbus, Ga. 31907. Applicant's representative: James L. Flemister, 1026 Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Muscogee County, Ga., and points in Chattahoochee, Troup, Meriwether, Harris, Talbot, Upson, Taylor, Marion, Schley, Macon, Sumter, Webster, Stewart, Quitman, Randolph, Terrell, and Clay Counties, Ga., and Chambers, Tallapoosa, Macon, Lee, Russell, Bullock, and Barbour Counties, Ala., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under section 402(b)(2) exemption.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-15034; Filed, Dec. 27, 1967; 8:47 a.m.]

[Section 5a Application No. 24, Amdt. 2[1]]

SAN FRANCISCO MOVERS TARIFF BUREAU

Approval of Amendment to Agreement

DECEMBER 26, 1967.

The Commission is in receipt of a section 5a application in the above-entitled proceeding for approval of an amendment to the agreement therein approved.

Filed November 30, 1967, by: William M. Larimore, Agent, San Francisco Movers Tariff Bureau, 260 California Street, Room 309, San Francisco, Calif. 94111.

The amendment involves: (1) Revision of the procedures for collective ratemaking so as to make the provisions more definite and certain; (2) revision of the fees and dues schedule; (3) compliance with Ex Parte No. 253; (4) amends the internal procedures of the Bureau; and (5) making such other incidental changes made necessary by the foregoing.

The amendment is docketed and may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should disclose their interest, and the position they intend to take with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-15039; Filed, Dec. 27, 1967; 8:48 a.m.]

[1] This amendment is filed in lieu of Amendment No. 2 filed Feb. 13, 1967, published in the FEDERAL REGISTER Apr. 4, 1967, and all subsequent amendments thereto for the purpose of clarifying the record and making the changes which applicant seeks to accomplish more understandable.

[S.O. 994; ICC Order 4, Amdt. 2]

CHICAGO, BURLINGTON AND QUINCY RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 4 (Chicago, Burlington and Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 4 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., June 30, 1968, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1967, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 21, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-15040; Filed, Dec. 27, 1967; 8:48 a.m.]

[Notice 478]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 22, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3379 (Deviation No. 10), SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio 44301, filed December 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Breezewood, Pa., and Frederick, Md., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Akron, Ohio, over U.S. Highway 224 to Deerfield, Ohio, thence over Alternate Ohio Highway 14 (formerly Ohio Highway 14) to junction Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 88 to Pittsburgh, Pa., thence over U.S. Highway 30 to Breezewood, Pa., thence over Pennsylvania Highway 126 to Warfordsburg, Pa., thence over U.S. Highway 522 to Hancock, Md., thence over U.S. Highway 40 to Frederick, Md., thence over U.S. Highway 240 to Washington, D.C., thence over U.S. Highway 1 via Fredericksburg, Va., to Petersburg, Va., thence over U.S. Highway 460 to junction Virginia Highway 337 (formerly U.S. Highway 460) thence over city streets and connecting highways to Norfolk, Va., and return over the same route.

No. MC 3379 (Deviation No. 11), SYNDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio 44301, filed December 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Columbus, Ohio, and Washington, Pa., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Columbus, Ohio, and New Stanton, Pa., over U.S. Highway 40.

No. MC 10872 (Deviation No. 11), BE-MAC TRANSPORT CO., INC., 7400 North Broadway, St. Louis, Mo. 63147, filed December 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with

certain exceptions, over a deviation route as follows: Between Marengo, Ill., and Chicago, Ill., over U.S. Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Marento, Ill., over Illinois Highway 176 to Crystal Lake, Ill., thence over Illinois Highway 176 to Wauconda, Ill., thence over U.S. Highway 12 to Chicago, Ill., and return over the same route.

No. MC 30311 (Deviation No. 7) A.C.E.-FREIGHT, INC., Post Office Box 123, Northfield, Ohio 44067, filed December 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 70 (U.S. Highway 40 where incomplete) to Columbus, Ohio, thence over Interstate Highway 71 to Mansfield, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Youngstown, Ohio, over U.S. Highway 422 to junction Ohio Highway 169, thence over Ohio Highway 169 to Warren, Ohio, thence over Ohio Highway 5 to Akron, Ohio, thence over Ohio Highway 18 to Medina, Ohio, thence over U.S. Highway 42 to Mansfield, Ohio, thence over U.S. Highway 30S to Lima, Ohio, thence over U.S. Highway 25 to Wapakoneta, Ohio, thence over U.S. Highway 33 to St. Marys, Ohio, thence over Ohio Highway 29 to the Ohio-Indiana State line, thence over Indiana Highway 67 to Indianapolis, Ind., thence over Indiana Highway 34 to Crawfordsville, Ind. (also from the Ohio-Indiana State line over Indiana Highway 67 to junction unnumbered highway approximately 2 miles east of Anderson, Ind., thence over unnumbered highway to junction Indiana Highway 32, thence over Indiana Highway 32 to Crawfordsville), thence continuing over Indiana Highway 34 to the Indiana-Illinois State line, thence over Illinois Highway 10 to Danville, Ill., thence over U.S. Highway 150 to Peoria, Ill., and (2) from Youngstown, Ohio, over U.S. Highway 62 via Salem, Ohio, to Canton, Ohio, thence over Ohio Highway 8 to Akron, Ohio (also from Youngstown over Ohio Highway 18 to Akron; also from Salem over Ohio Highway 14 to Edinburg, Ohio, thence over Ohio Highway 18 to Akron), thence to Mansfield, Ohio, as specified in (1) above, thence over U.S. Highway 30N to Delphos, Ohio, thence over U.S. Highway 30 to Van Wert, Ohio, thence over U.S. Highway 224 to Huntington, Ind., thence over U.S. Highway 24 to Peoria, Ill., and return over the same routes.

No. MC 59957 (Deviation No. 6), MOTOR FREIGHT EXPRESS, INC., Post Office Box 1029, York, Pa. 17403, filed December 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Breezewood, Pa., over Interstate Highway 70 to junction Interstate Highway 70S, thence over Interstate Highway 70S to Washington, D.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Pittsburgh, Pa., over U.S. Highway 30 to Ligonier, Pa., thence over Pennsylvania Highway 711 to Seward, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 220, thence over U.S. Highway 220 to Bedford, Pa., thence over U.S. Highway 30 to Lancaster, Pa., and (2) from Baltimore, Md., over U.S. Highway 140 to Reisterstown, Md., thence over Maryland Highway 30 to Maryland-Pennsylvania State line, thence over Pennsylvania Highway 94 to Hanover, Pa., thence over Pennsylvania Highway 116 to junction U.S. Highway 30, thence over U.S. Highway 30 to York, Pa. (also from Baltimore over U.S. Highway 111 to York), thence over U.S. Highway 111 to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., and return over the same routes.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 420) (Cancels Deviation No. 410), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third St., Cleveland, Ohio 44113, filed December 12, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Kalamazoo, Mich., over U.S. Highway 131 to Grand Rapids, Mich., with the following access routes, (1) from Kalamazoo. Mich., over Business Route 131 to junction U.S. Highway 131, (2) from Plainwell, Mich., over Michigan Highway 89 to junction U.S. Highway 131, (3) from Martin, Mich., over Michigan Highway 118 to junction U.S. Highway 131, and (4) from Wayland, Mich., over unnumbered county highway to junction U.S. Highway 131, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Kalamazoo, Mich., over unnumbered highway (formerly U.S. Highway 131) via Plainwell, Martin, and Wayland, Mich., to Grand Rapids, Mich., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*

[F.R. Doc. 67-15041; Filed, Dec. 27, 1967; 8:48 a.m.]

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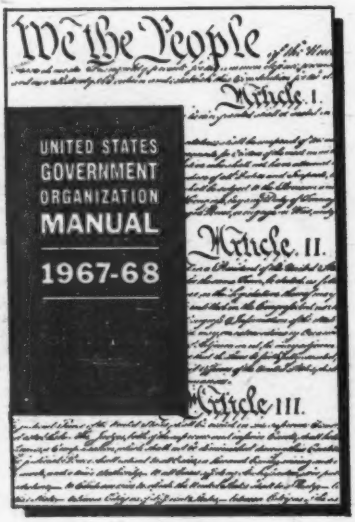

KNOW
YOUR
GOVERNMENT

U.S. Government Organization Manual

1967-1968

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